



APPENDIX I: PROGRAM AREA OVERVIEW MATRICES

CBNMS DRAFT MANAGEMENT PLAN

- A. Administration**
- B. Education and Outreach**
- C. Conservation Science**
- D. Resource Protection**

Appendix IA: Administration Overview Matrix

Administration Strategy	Action	Objective(s) Addressed	Complementary Strategies
STRATEGY AD-1 Operations: Develop additional sanctuary facilities through various partnerships with both the public and private sector	Action AD-1.1 Expand current main office space	<u>Objective 2</u> Identify appropriate staffing, budget levels and facility needs to support implementation of the management plan. <u>Objective 3</u> Continue to build on partnerships, collaborative efforts and coordination with other agencies, institutions and organizations.	
	Action AD-1.2 Satellite office in Bodega Bay		
	Action AD-1.3 Intern/ researcher housing with PRNS		
	Action AD-1.4 Expand vessel capabilities		
	Action AD-1.5 Complete facilities plan for visitor centers and outreach venues		
STRATEGY AD-2 Staffing: Basic staffing requirements must provide support for administration and the program areas	Action AD-2.1 Minimum staffing requirements and fulfill staffing plan	<u>Objective 2</u> Identify appropriate staffing, budget levels and facility needs to support implementation of the management plan.	
	Action AD-2.2 Professional development for staff		
STRATEGY AD-3 Partnerships: Develop partnerships to assist implementation of the management plan	Action AD-3.1 Develop MOU/ MOAs with regional marine labs to facilitate internship program	<u>Objective 3</u> Continue to build on partnerships, collaborative efforts and coordination with other agencies, institutions and organizations	<u>CBNMS DMP</u> Partnerships with Community Groups, STRATEGY PC-1
	Action AD-3.2 Expand informal working relationship with NMFS and USGS		
STRATEGY AD-4 Support maturing role of sanctuary advisory council in providing advice to sanctuary superintendent	Action AD-4.1 Strengthen structure and function of sanctuary advisory council	<u>Objective 3</u> Continue to build on partnerships, collaborative efforts and coordination with other agencies, institutions and organizations	<u>CBNMS DMP</u> Partnerships with Community Groups, STRATEGY PC-2 <u>MBNMS DMP</u> Sanctuary Advisory Council, STRATEGY SAC-1
	Action AD-4.2 Develop format for assisting the building of CBNMS policies and procedures		
	Action AD-4.3 Provide resources and guidance to council to help engage the public		
	Action AD-4.4 Convene issue specific working groups		

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Administration Strategy	Action	Objective(s) Addressed	Complementary Strategies
STRATEGY AD-5 Interagency coordination: Formalize intra- and interagency efforts	Action AD-5.1 Engage other agencies in reviewing each other's actions; work together to identify resource management issues	<u>Objective 3</u> Continue to build on partnerships, collaborative efforts and coordination with other agencies, institutions and organizations	
	Action AD-5.2 Formalize agreements with state/federal co-trustee managers regarding cooperative and integrated management of the sanctuary		
	Action AD-5.3 Formalize agreements for enforcement and emergency response plan		
STRATEGY AD-6 Protected Resources Enforcement Plan: Develop enforcement plan which includes interpretive and legal enforcement	Action AD-6.1 Ensure sufficient enforcement patrols, including cross-deputization	<u>Objective 1</u> Develop a structured administrative framework to continuously evaluate, maintain and expand, when necessary, administrative operations	<u>CBNMS DMP</u> Administration, Regulations and Permitting, STRATEGY AD-9
	Action AD-6.2 Use interpretive enforcement to inform and encourage voluntary compliance		
	Action AD-6.3 Work regionally on addressing discharges in sanctuaries from cruise ships (see also Regional)		
STRATEGY AD-7 Emergency Response: Develop Emergency Response Plan	Action AD-7.1 Review and revise Emergency Response Plan	<u>Objective 1</u> Develop a structured administrative framework to continuously evaluate, maintain and expand, when necessary, administrative operations	<u>GFNMS DMP</u> Resource Protection, Emergency Response, STRATEGY RP-7 <u>MBNMS DMP</u> Operations and Administration, STRATEGY OA-4
	Action AD-7.2 Train sanctuary staff on an on-going basis to be prepared in an emergency		
STRATEGY AD-8 Planning and Evaluation: Conduct evaluations of activities and modify existing programs as needed	Action AD-8.1 Use site report card to measure overall management performance	<u>Objective 1</u> Develop a structured administrative framework to continuously evaluate, maintain and expand, when necessary, administrative operations	
	Action AD-8.2 Develop performance indicators for program areas		
	Action AD-8.3 Manage for the future		

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Administration Strategy	Action	Objective(s) Addressed	Complementary Strategies
STRATEGY AD-9 Regulations and Permitting: Evaluate the effectiveness of current sanctuary regulations and permitting	Action AD-9.1 Continuously evaluate the effectiveness of current sanctuary regulatory language and permitting authority	<u>Objective 1</u> Develop a structured administrative framework to continuously evaluate, maintain and expand, when necessary, administrative operations	
	Action AD-9.2 Maintain and enhance permit program		
STRATEGY AD-10 New and Emerging Issues: Track existing, emerging, and potential future issues	Action AD-10.1 Establish a framework for identifying and addressing new and emerging issues	<u>Objective 1</u> Develop a structured administrative framework to continuously evaluate, maintain and expand, when necessary, administrative operations <u>Objective 3</u> Continue to build on partnerships	GFNMS DMP Resource Protection, New and Emerging Issues, STRATEGY RP-1 MBNMS DMP Emerging Issues, STRATEGY EI-1, STRATEGY EI-2
	Action AD-10.2 Establish a dynamic and up-to-date electronic system to inform one another of new and emerging issues		
STRATEGY PC-1 Develop and maintain partnerships with research community (see also Research and AD-4)	Action PC-1.1 Collaborate with other research entities to share in-kind resources and services	<u>Objective 1</u> Create partnerships to further research and monitoring to assist in answering resource management questions <u>Objective 2</u> Create partnerships to establish a strong identity for the sanctuary within various interests in the community	CBNMS DMP Education, STRATEGY ED-7 and STRATEGY ED-8; Administration, STRATEGY AD-3
STRATEGY PC-2 Culture the advisory council as a link to the community	Action PC-2.1 Raise the profile of CBNMS by identifying the role of sanctuary advisory council (SAC) members to increase awareness of the sanctuary	<u>Objective 2</u> Create partnerships to establish a strong identity for the sanctuary within various interests in the community <u>Objective 4</u> Build stewardship to support and advocate for the needs of the sanctuary through creating partnerships	CBNMS DMP Administration, STRATEGY AD-4.
STRATEGY PC-4 Identify mechanisms to raise and manage additional sources of revenue	Action PC-4.1 As the need arises, CBNMS will develop partnerships to manage and generate additional sources of revenue	<u>Objective 4</u> Build stewardship to support and advocate for the needs of the sanctuary through creating partnerships	

Appendix IB: Education and Outreach Overview Matrix

Education and Outreach Strategy	Action	Program Area Objective(s) Addressed	Complementary Strategies
STRATEGY ED-1 Targeted outreach efforts	Action ED-1.1 Engage and inform the public about the unique physical and biological characteristics of CBNMS	<u>Objective 1</u> To take a hierarchical educational approach by developing awareness and building a knowledge base to changing behavior and build stewardship <u>Objective 4</u> To develop programs that target diverse audiences including various multicultural, socioeconomic, age, and gender groups	<u>GFNMS DMP</u> Education and Outreach, STRATEGY ED-11; STRATEGY ED-13; <u>MBNMS DMP</u> Operations and Admin, STRATEGY OA-4; Marine Protected Areas, STRATEGY MPA-8; <u>CBNMS DMP</u> Partnerships with Community Groups, STRATEGY PC-2; Education and Outreach, STRATEGY ED-2, STRATEGY ED-3
STRATEGY ED-2 Utilize volunteers to communicate sanctuary messages	Action ED-2.1 Develop volunteer outreach program	<u>Objective 1</u> To take a hierarchical educational approach by developing awareness and building a knowledge base to changing behavior and build stewardship <u>Objective 2</u> To increase communication and coordination among sanctuary education and outreach programs and partners	<u>CBNMS DMP</u> Education and Outreach, STRATEGY ED-1; <u>MBNMS DMP</u> Operations and Administration, STRATEGY OA-2, STRATEGY OA-4; Beach Closures, STRATEGY BC-2
	Action ED-2.2 Train volunteers and employees of existing organizations to deliver CBNMS educational messages through their programs		
STRATEGY ED-3 Leverage local and national media opportunities	Action ED-3.1 Establish lines of communication with the media	<u>Objective 1</u> To take a hierarchical educational approach by developing awareness and building a knowledge base to changing behavior and build stewardship <u>Objective 2</u> To increase communication and coordination among sanctuary education and outreach programs and partners	<u>GFNMS DMP</u> Education and Outreach, STRATEGY ED-11; <u>MBNMS DMP</u> Operations and Administration STRATEGY OA-4; <u>CBNMS DMP</u> Education and Outreach, STRATEGY ED-1

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Education and Outreach Strategy	Action	Program Area Objective(s) Addressed	Complementary Strategies
STRATEGY ED-4 Develop portable education products	Action ED-4.1 Develop sanctuary video	<u>Objective 1</u> To take a hierarchical educational approach by developing awareness and building a knowledge base to changing behavior and build stewardship	CBNMS DMP Education, STRATEGY ED-1, and STRATEGY ED-2
	Action ED-4.2 Interactive CD-ROM	<u>Objective 3</u> To develop programs to target content builders, user/impact groups, influencers, and decision makers	CBNMS DMP Education and Outreach, STRATEGY ED-1, STRATEGY ED-2, and STRATEGY ED-3
STRATEGY ED-5 Interpretive signage and exhibits	Action ED-5.1 Install interpretive signage	<u>Objective 1</u> To take a hierarchical educational approach by developing awareness and building a knowledge base to changing behavior and building stewardship	CBNMS DMP Education and Outreach, STRATEGY ED-1; GFNMS DMP Education and Outreach, STRATEGY ED-13; MBNMS DMP Interpretive Facilities, STRATEGY IF-2
	Action ED-5.2 Interactive display	<u>Objective 2</u> To increase communication and coordination among sanctuary education and outreach programs and partners	CBNMS DMP Education and Outreach, STRATEGY ED-1, STRATEGY ED-2, and STRATEGY ED-3.
STRATEGY ED-6 Develop educational lecture series	Action ED-6.1 Develop a CBNMS lecture series	<u>Objective 1</u> To take a hierarchical educational approach by developing awareness and building a knowledge base to changing behavior and building stewardship.	CBNMS DMP Education and Outreach, STRATEGY ED-1; MBNMS DMP SIMoN, STRATEGY SI-3
STRATEGY ED-7 Expose teachers and students to CBNMS research projects	Action ED-7.1 Invite local teachers and individual students onto CBNMS research cruises	<u>Objective 1</u> To take a hierarchical educational approach by developing awareness and building a knowledge base to changing behavior and building stewardship	CBNMS DMP Education and Outreach, STRATEGY ED-1; Partnerships with Community Groups, STRATEGY PC-3
	Action ED-7.2 ROV educational initiative		CBNMS DMP Education and Outreach, STRATEGY ED-1
STRATEGY ED-8 Provide adult education opportunities	Action ED-8.1 Field seminars with PRNSA on natural history and science of CBNMS	<u>Objective 1</u> To take a hierarchical educational approach by developing awareness and building a knowledge base to changing behavior and build stewardship <u>Objective 2</u> To increase communication and coordination among sanctuary education and outreach programs and partners	CBNMS DMP Education and Outreach, STRATEGY ED-1

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Education and Outreach Strategy	Action	Program Area Objective(s) Addressed	Complementary Strategies
STRATEGY ED-9 Develop a standing Education Working Group of the sanctuary advisory council	Action ED-9.1 Create Education Working Group	<u>Objective 2</u> To increase communication and coordination among sanctuary education and outreach programs and partners	
STRATEGY ED-10 Conduct an audience demographics assessment to identify underserved audiences of CBNMS	Action ED-10.1 Assess CBNMS audience demographics	<u>Objective 4</u> To develop programs that target diverse audiences including multicultural, socioeconomic, and various age and gender groups	
	Action ED-10.2 Re-evaluate and adjust CBNMS education programs as necessary		
STRATEGY PC-3 Use media opportunities to raise identity of the sanctuary	Action PC-3.1 Use media to raise interest of the sanctuary in the surrounding communities	<u>Objective 2</u> Create partnerships to establish a strong identity for the sanctuary within various interests in the community	<u>CBNMS DMP</u> Education, STRATEGY ED-3; <u>GFNMS DMP</u> Education, STRATEGY ED-11 <u>MBNMS DMP</u> Operations and Administration, STRATEGY OA-4

Appendix IC: Conservation Science Overview Matrix

Conservation Science Strategy	Action	Program Area Objective(s) Addressed	Complementary Strategies
STRATEGY CS-1 Prepare an oceanographic climatology report	Action CS-1.1 Prepare an oceanographic climatology report	<u>Objective 1</u> Characterize the habitats and communities of CBNMS, evaluate and synthesize characterization <u>Objective 3</u> To recommend research and monitoring results for inclusion in CBNMS' outreach and education programs	
STRATEGY CS-2 Map and characterize CBNMS habitats	Action CS-2.1 Conduct sonar surveys to determine habitat types and their spatial extent	<u>Objective 1</u> Characterize the habitats and communities of CBNMS, evaluate and synthesize characterization <u>Objective 3</u> To recommend research and monitoring results for inclusion in CBNMS' outreach and education programs	<u>CBNMS DMP</u> Conservation Science, STRATEGY CS-1 and STRATEGY CS-3
STRATEGY CS-3 Characterize soft-bottom epifaunal communities of CBNMS	Action CS-3.1 Survey the surface biota and sediment characteristics of the soft-sediment portion of the shelf area of CBNMS	<u>Objective 1</u> Characterize the habitats and communities of CBNMS, evaluate and synthesize characterization <u>Objective 3</u> To recommend research and monitoring results for inclusion in CBNMS' outreach and education programs	<u>CBNMS DMP</u> Conservation Science, STRATEGY CS-1, STRATEGY CS-2, STRATEGY CS-4
STRATEGY CS-4 Characterize soft bottom infaunal communities of CBNMS	Action CS-4.1 Characterize the infaunal biota of the soft sediment portion of the shelf and slope of CBNMS	<u>Objective 1</u> Characterize the habitats and communities of CBNMS, evaluate and synthesize characterization <u>Objective 3</u> To recommend research and monitoring results for inclusion in CBNMS' outreach and education programs	<u>CBNMS DMP</u> Conservation Science, STRATEGY CS-2 and STRATEGY CS-3
STRATEGY CS-5 Collect, inventory and catalog new and previously unsorted Cordell Bank benthic invertebrate specimens	Action CS-5.1 Generate a voucher specimen database of the benthic invertebrates of Cordell Bank	<u>Objective 1</u> Characterize the habitats and communities of CBNMS, evaluate and synthesize characterization <u>Objective 3</u> To recommend research and monitoring results for inclusion in CBNMS' outreach and education programs	
	Action CS-5.2 Continue to collaborate with CAS on collection and identification of other Cordell Bank benthic invertebrates		

Appendix IC: Conservation Science Overview Matrix
CBNMS Draft Management Plan

Conservation Science Strategy	Action	Program Area Objective(s) Addressed	Complementary Strategies
STRATEGY CS-6 Survey museum collections and literature for information about CBNMS and generate a verified species list	Action CS-6.1 Conduct a literature, specimen, and data search to compile existing knowledge about Cordell Bank	<u>Objective 1</u> Characterize the habitats and communities of CBNMS, evaluate and synthesize characterization <u>Objective 3</u> To recommend research and monitoring results for inclusion in CBNMS' outreach and education programs	
STRATEGY CS-7 Understand the function and variability of the pelagic ecosystem	Action CS-7.1 Assess quantitatively the distribution and abundance of marine birds and mammals relative to ocean conditions, seasons, and biological productivity	<u>Objective 1</u> Characterize the habitats and communities of CBNMS, evaluate and synthesize characterization <u>Objective 2</u> To determine monitoring objectives, identify indicators, and conduct a targeted monitoring program <u>Objective 3</u> To recommend research and monitoring results for inclusion in CBNMS' outreach and education programs	
STRATEGY CS-8 Continue monitoring fish and invertebrate assemblages	Action CS-8.1 Perform submersible field surveys (1 to 3 year intervals) to monitor the distribution and abundance of fishes and invertebrates	<u>Objective 1</u> Characterize the habitats and communities of CBNMS, evaluate and synthesize characterization <u>Objective 2</u> To determine monitoring objectives, identify indicators, and conduct a targeted monitoring program <u>Objective 3</u> To recommend research and monitoring results for inclusion in CBNMS' outreach and education programs	<u>CBNMS DMP</u> Conservation Science STRATEGY CS-1, STRATEGY CS-2, STRATEGY CS-3, STRATEGY CS-4, STRATEGY CS-5, and STRATEGY CS-6
STRATEGY CS-9 Manage and store data in easily accessible and secure formats and locations	Action CS-9.1 Store paper data sheets in two locations in sanctuary office	<u>Objective 1</u> Characterize the habitats and communities of CBNMS, evaluate and synthesize characterization	
	Action CS-9.2 Electronic media will be copied and stored in sanctuary office	<u>Objective 2</u> To determine monitoring objectives, identify indicators, and conduct a targeted monitoring program	

Appendix IC: Conservation Science Overview Matrix
CBNMS Draft Management Plan

Conservation Science Strategy	Action	Program Area Objective(s) Addressed	Complementary Strategies
	Action CS-9.3 Data obtained from laboratory analysis of video will be stored in a relational database		

Appendix ID: Resource Protection Overview Matrix

Resource Protection Strategy	Action	Program Area Objective(s) Addressed	Complementary Strategies
STRATEGY FA-1 Sanctuary representation at PFMC and FGC meetings	Action FA-1.1 Select a west coast sanctuaries' representative to attend PFMC and FGC meetings	<u>Objective 1:</u> Establish a working relationship with state and federal fisheries management agencies <u>Objective 3:</u> Support adaptive management plans that promote ecosystem health	<u>GFNMS DMP</u> Fishing Activities, STRATEGY FA-6; <u>MBNMS DMP</u> Fishing Related Education and Research, STRATEGY FER-1
STRATEGY FA-2 Track fishing and other human-use activities in and around sanctuary waters	Action FA-2.1 Establish standing Ecosystem Protection Working group of the sanctuary advisory council	<u>Objective 2:</u> Track and evaluate existing, new, and emerging fishing issues for their potential impacts on sanctuary resources	<u>CBNMS DMP</u> New and Emerging Issues, Administration, STRATEGY AD-10; <u>MBNMS DMP</u> Benthic Habitats, STRATEGY BH-1, STRATEGY BH-2; Fishing Related Research, STRATEGY FRER-3
	Action FA-2.2 Develop tracking process		
STRATEGY FA-3 Evaluate impacts of fishing and other human-use activities on sanctuary resources	Action FA-3.1 Develop definition for "compatible use"	<u>Objective 2:</u> Track and evaluate existing, new, and emerging fishing issues for their potential impacts on sanctuary resources <u>Objective 3:</u> Support adaptive management plans that promote ecosystem health <u>Objective 4:</u> To develop a definition of "compatible use" for fishing activities that complement the sanctuary's primary objective of resource protection	<u>CBNMS DMP</u> Regulations and Permitting, Administration, STRATEGY AD-9; and New and Emerging Issues, STRATEGY AD-10; <u>GFNMS DMP</u> Fishing Activities, STRATEGY FA-3; <u>MBNMS DMP</u> Benthic Habitats, STRATEGY BH-2; STRATEGY FER-3
	Action FA-3.2 Develop "compatibility index"		
STRATEGY FA-4 Address negative impacts from human-use activities using policy or management actions	Action FA-4.1 If significant negative impacts detected, establish stakeholder group to evaluate	<u>Objective 2:</u> Track and evaluate existing, new, and emerging fishing issues for their potential impacts on sanctuary resources	<u>CBNMS DMP</u> Regulations and Permitting, Administration, STRATEGY AD-9; and New and Emerging Issues, STRATEGY AD-10 <u>GFNMS DMP</u> Fishing Activities, STRATEGY FA-4; <u>MBNMS DMP</u> Benthic Habitats, STRATEGY BH-2
	Action FA-4.2 Develop policy response based on relative level of impact as determined by compatibility index		

Appendix ID: Resource Protection Overview Matrix
CBNMS Draft Management Plan

Resource Protection Strategy	Action	Program Area Objective(s) Addressed	Complementary Strategies
STRATEGY FA-5 Address impacts from krill harvesting	Action FA-5.1 Work to achieve a total, permanent ban on krill harvesting in the EEZ	<u>Objective 2:</u> Track and evaluate existing, new, and emerging fishing issues for their potential impacts on sanctuary resources	
STRATEGY FA-6 Profile fishing activities and communities	Action FA-6.1 Increase numbers of observers on fishing vessels in CBNMS	<u>Objective 3:</u> Support adaptive management plans that promote ecosystem health	
	Action FA-6.2 Profile historic and evolution of fishing activities in and adjacent to the sanctuary		
STRATEGY PC-3 Use media opportunities to raise identity of the sanctuary	Action FA-3.1 Use media opportunities to promote sanctuary research programs and raise identity of sanctuary	<u>Objective 2:</u> Create partnerships to establish a strong identity for the sanctuary within various interest in the community	<u>CBNMS DMP</u> Education, STRATEGY ED-3
STRATEGY AD-1 Develop a framework for identifying and analyzing boundary options	Action FA-1.1 Develop a framework for identifying and analyzing boundary options	To develop and implement an analytical process designed to evaluate boundary alternatives relative to CBNMS using the best available information and decision making tools	<u>CBNMS DMP</u> Ecosystem Protection, STRATEGY FA-4 AND FA-6; Research and Monitoring, STRATEGY RE-1, STRATEGY RE-2, AND STRATEGY RE-7



APPENDIX II: ECOSYSTEM PROTECTION IMPLEMENTATION PLANS

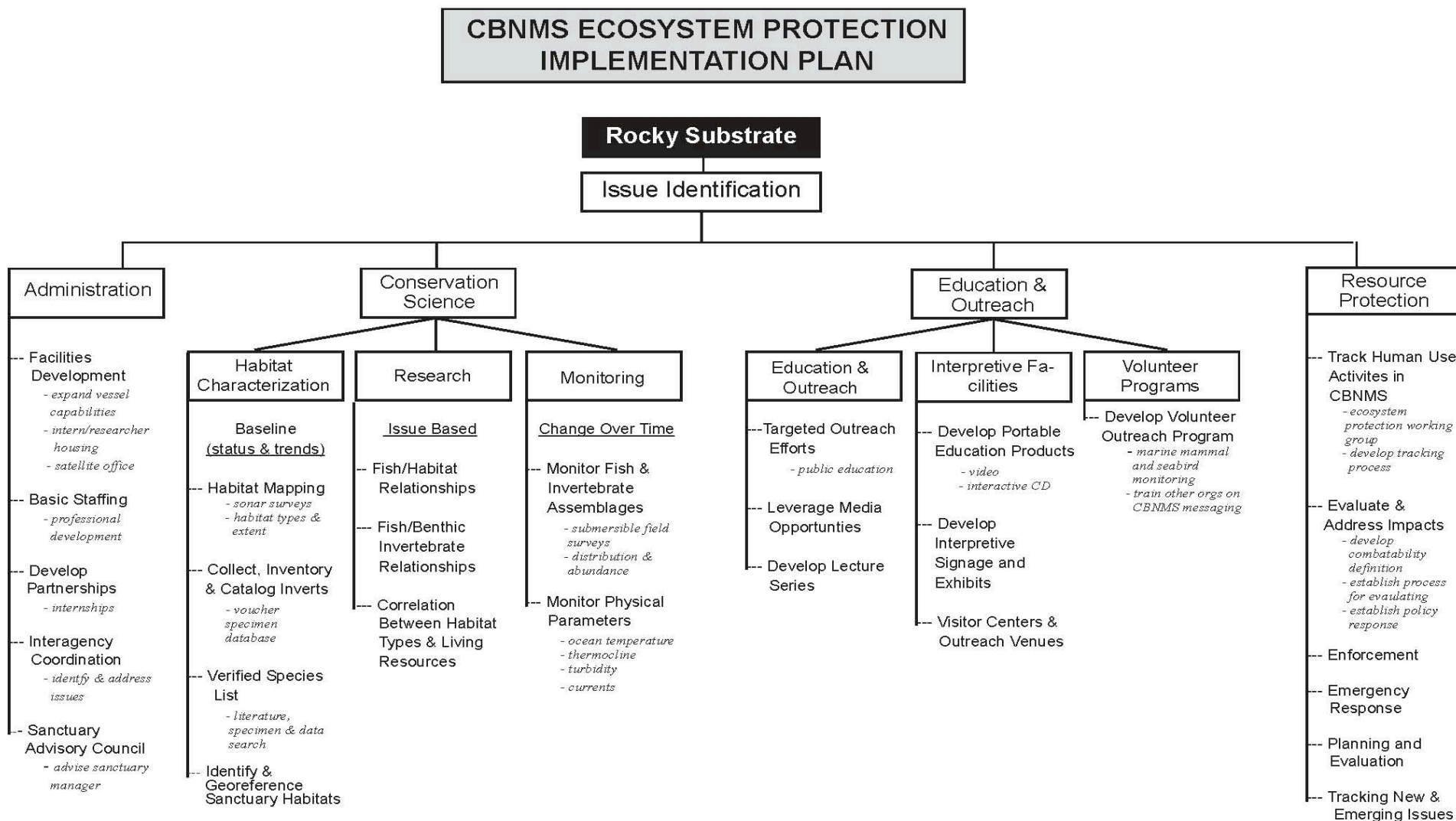
CBNMS DRAFT MANAGEMENT PLAN

- A. Introduction**
- B. Rocky Substrate**
- C. Pelagic (Open Ocean)**
- D. Soft Bottom Shelf and Slope**

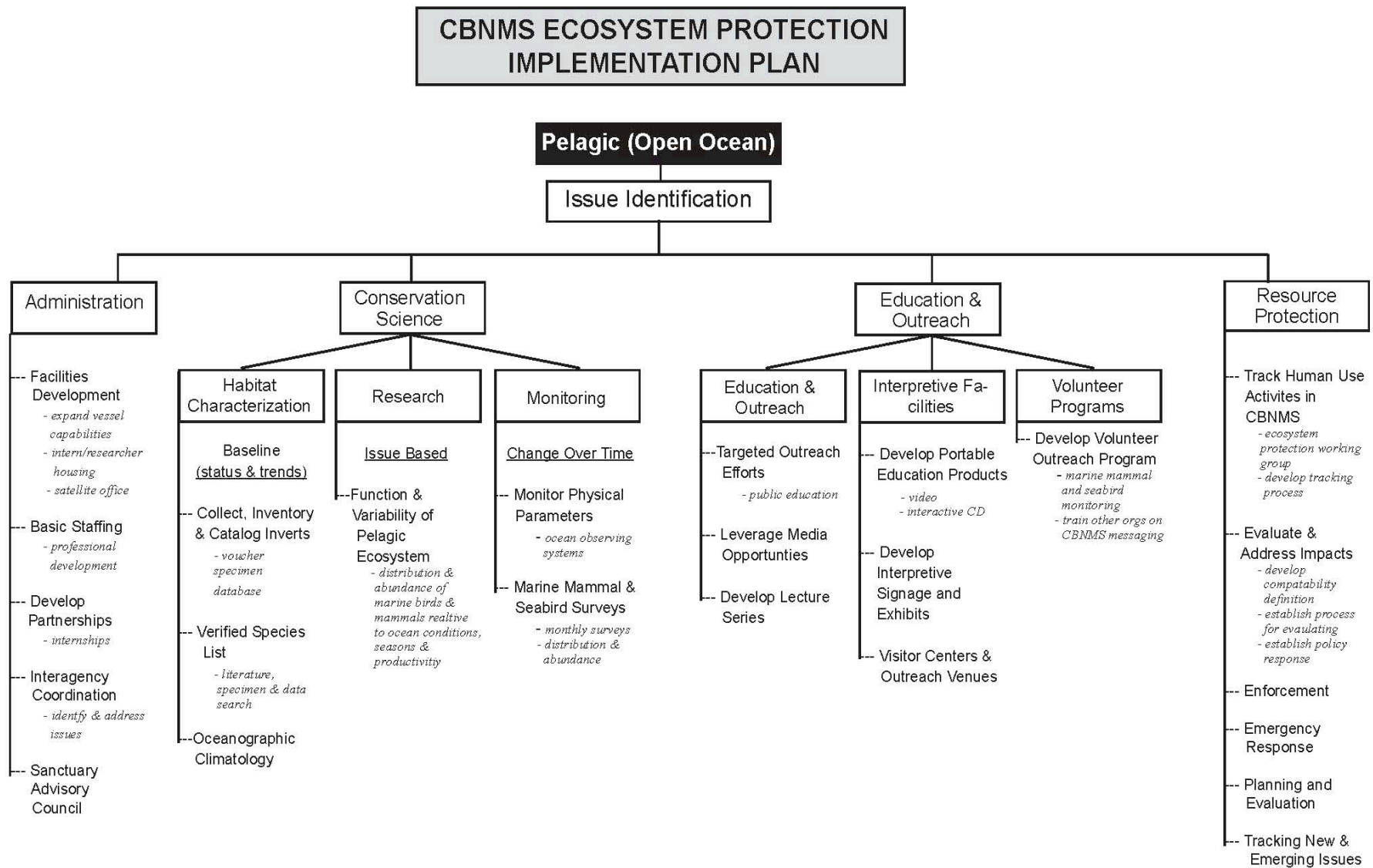
Appendix IIA: Introduction

The following Ecosystem Protection Implementation Plan presents the strategies from the Management Plan organized into three key habitats of the sanctuary: rocky substrate, pelagic (open ocean), and soft bottom shelf and slope. The organizational chart prioritizes the implementation of the strategies to ensure that the sanctuary adequately addresses all resource management issues within each key habitat. This chart allows sanctuary staff to identify opportunities to collaborate between program areas focused around priority sanctuary habitats. These charts are organized by the sanctuary's programmatic organizational structure, within the context of the three priority sanctuary habitats. The sanctuary manager will oversee each habitat team to ensure coordination across program areas and protection for each habitat. The purpose of the ecosystem protection implementation plan for Cordell Bank Sanctuary is not necessarily to mitigate or improve the habitats, but rather to research and monitor a rather pristine environment.

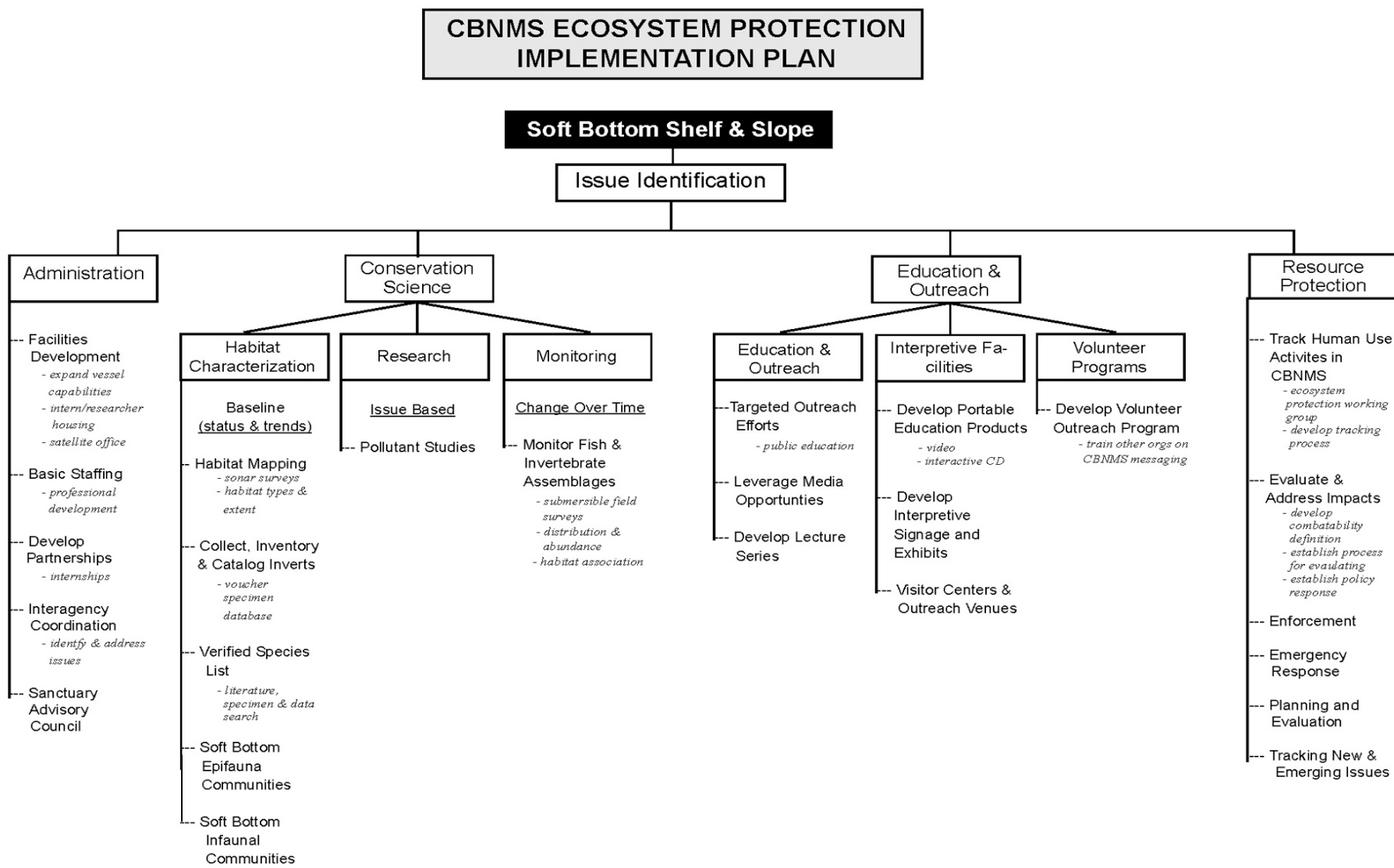
Appendix IIB: Rocky Substrate



Appendix IIC: Pelagic (Open Ocean)



Appendix IID: Soft Bottom Shelf and Slope





APPENDIX III: ADDITIONAL APPENDICES

CBNMS DRAFT MANAGEMENT PLAN

- A. Jurisdictional Authorities**
- B. Glossary**
- C. Acronyms**
- D. Proposed Revised Designation Document**
- E. Proposed New Sanctuary Regulations**
- F. National Marine Sanctuaries Act**
- G. Species List**

Appendix IIIA: Jurisdictional Authorities

CBNMS is located entirely beyond the three-mile territorial sea and is therefore under the jurisdiction of federal statutes with the exception that the California Department of Fish and Game (CDFG) shares jurisdiction over fishing operations in Cordell Bank waters with the National Marine Fisheries Service (NMFS). The other federal agencies with existing primary responsibilities in the area of Cordell Bank are the U.S. Fish and Wildlife Service (FWS) and the Minerals Management Service (MMS) of the Department of the Interior, and the U.S. Coast Guard (USCG) of the Department of Transportation. This section will briefly review the responsibilities of these agencies.

FEDERAL AUTHORITIES

National Marine Fisheries Service (NMFS)

The NMFS is responsible for enforcing the Magnuson-Stevens Fishery Conservation and Management Act (MSFCMA), the Marine Mammal Protection Act (MMPA), and the Endangered Species Act (ESA). The MSFCMA charges NMFS to approve and enforce fishery management plans (FMP) prepared by regional fishery management councils. NMFS relies heavily on CDFG and USCG for enforcement operations both within and outside the three-mile territorial sea. Cordell Bank fish stocks affected by FMP regulations are lingcod, rockfish, and salmon.

The NMFS shares responsibility with the FWS for implementation of the Marine Mammal Protection Act and the Endangered Species Act (see FWS entry below). NMFS is responsible for protecting cetaceans and pinnipeds and their habitats under both pieces of legislation.

United States Fish and Wildlife Service (FWS)

Within the waters of CBNMS, the FWS is responsible for protecting all marine mammal species other than whales, porpoises, and pinnipeds under the MMPA (NMFS is responsible for cetaceans and pinnipeds under MMPA), and for protecting endangered bird species under the ESA. The Brown Pelican and Short-tailed Albatross are two bird species listed as endangered which forage in the CBNMS. The FWS shares the responsibility for these two acts with the NMFS.

United States Coast Guard (USCG)

The USCG is responsible for enforcing regulations under the Clean Water Act (CWA) to prevent pollution caused by discharges from vessels of oil, hazardous substances, or other pollutants.

The USCG has established a Vessel Traffic Separation Scheme (VTSS) according to the Ports and Waterways Safety Act (PWSA) for ship traffic approaching San Francisco Bay from the north and departing in that direction, thus passing through CBNMS. It consists of two mile-wide inbound and outbound vessel traffic lanes with a separation zone between them.

The USCG is also responsible for enforcing fishing regulations as noted above (under NMFS) and maintaining boater safety, and coordinating search and rescue operations. Numerous regulations have been promulgated relating to vessel design, construction, and operation designed to minimize the likelihood of accidents and to reduce vessel source pollution.

Minerals Management Service (MMS)

The MMS is responsible for managing offshore oil and gas exploration and development operations in accordance with the provisions of the Outer Continental Shelf Lands Act.

The Outer Continental Shelf Lands Act establishes federal jurisdiction over the natural resources of the Outer Continental Shelf (OCS) beyond three nautical miles. The MMS has primary responsibility for managing OCS mineral exploration and development.

Environmental Protection Agency (EPA)

The EPA has regulatory responsibilities with regard to ocean dumping. Title I of the Marine Protection, Research and Sanctuaries Act prohibits the transportation of any materials from the United States for the purpose of dumping them into the territorial sea, the contiguous zone, and the ocean beyond without a permit from EPA.

STATE AUTHORITIES

California Department of Fish and Game (CDFG)

The CDFG, under the Fish and Game Code (and Chapter 14 of the Administrative Code), regulates and manages a wide variety of activities affecting the living marine resources found in the territorial sea and in the 200-mile wide exclusive economic zone. The application of this regulatory activity in Cordell Bank waters consists of enforcement of a California law enacted in 1985 that bans gill-net fishing north of a line extending 245° magnetic from Point Reyes. Cordell Bank lies well north of this line. The CDFG also enforces federal regulations established under the MSFCMA.

Appendix IIIB: Glossary of Terms

Action plan: A major section of a management plan containing related strategies and activities designed to address a specific issue or function (NOAA, *National Marine Sanctuary Management Plan Handbook*, 3rd edition, 2002).

Activity: Specific actions that will be taken to carry out a strategy (NOAA, *National Marine Sanctuary Management Plan Handbook*, 3rd edition, 2002).

Bathymetry: Water depth measurement information used to produce depth-contoured charts.

Benthic: The region of the ocean consisting of the seabed and the organisms that live on or in it.

Benthic communities: Bottom-dwelling plants and animals.

Biodiversity: The variability among living organisms from all sources, including terrestrial, marine, and other aquatic ecosystems and the ecological complexes of which they are part; this includes diversity within species, between species and of ecosystems.

Continental shelf: A generally shallow, flat submerged portion of a continent, extending to the point of step descent to the ocean floor.

Critical habitat: The specific areas within the geographical area occupied by a threatened or endangered species on which are found those physical or biological features essential to the conservation of the species, and which may require special management considerations or protection.

Demersal: Fishes and other aquatic organisms that live near the bottom of the water column.

Depleted: A species is termed depleted when it falls below its optimum sustainable population.

Designation document: A portion of the regulations for a given sanctuary that spells out the terms of its designation, including boundaries, regulations, and those activities potentially subject to future regulation.

Desired outcome: A succinct and concise statement that articulates a desired future for a sanctuary relative to a specific problem statement (NOAA, *National Marine Sanctuary Management Plan Handbook*, 3rd edition, 2002).

Ecology: The science of the relationships between organisms and their environments.

Ecosystem: The sum total of all living and nonliving components of a particular area that interact and exchange materials with each other; sometimes defined as the ecological community of organisms plus the environment with which they interact. Energy flow and nutrient cycling are regulated within a particular ecosystem and are studied as indicators of its overall health.

Endangered species: Any species that is in danger of extinction throughout all or a significant portion of its range.

Epifauna: Animals that live on the ocean bottom, either attached or moving freely over it.

Food chain: A succession of organisms in a community that constitutes a feeding chain in which food energy is transferred from one organism to another as each consumes a lower member and in turn is preyed upon by a higher member.

Indigenous: Living or occurring naturally in a specific area or environment.

Infaunal: Organisms that live buried in sediments, including a variety of polychaetes, burrowing crustaceans, and mollusks.

Infrastructure: Basic installations and facilities, such as roads, power plants, transportation, and communication systems.

Invertebrate: An animal lacking a backbone or spinal column.

Isobath: An imaginary line or one drawn on a map connecting all points of equal depth below the surface of a body of water.

Marine protected area: Any area of the marine environment that has been reserved by federal, state, territorial, tribal, or local laws or regulations to provide lasting protection for part or all of the natural and cultural resources therein. (Executive Order 13158 on Marine Protected Areas). Under this broad definition, a wide variety of sites including fishery management zones, national parks, national marine sanctuaries, national estuarine research reserves, state conservation areas, critical habitats, and state reserves could be considered as marine protected areas.

Marine reserve: A kind of marine protected area generally agreed to have strict regulations regarding the extraction of resources.

Mollusks: Any of various members of the phylum Mollusca, largely marine invertebrates, including the edible shellfish and some 100,000 other species.

Multibeam: A type of sonar that has multiple beams to record water depth.

Organism: Plant or animal.

Pathogens: Any agent, most commonly a micro-organism, capable of causing a disease.

Pelagic: Of, relating to, or living in open seas or oceans rather than waters adjacent to land or inland waters.

Planktonic: Organisms dependent on water movement and currents as their means of transportation, including phytoplankton, zooplankton, and ichthyoplankton.

Program/Issue Statements: A one or two sentence articulation of the specific components of an issue (NOAA, *National Marine Sanctuary Management Plan Handbook*, 3rd edition, 2002).

Salinity: The relative concentration of salts, usually sodium chloride, in a given water sample. It is usually expressed in terms of the number of parts per thousand (ppt) or parts per million (ppm) of chlorine (Cl). As a reference, the salinity of seawater is approximately 35 ppt.

Side-scan sonar: A type of sonar that gathers sound reflections at oblique angles to the sensor.

Socioeconomic: Being both social and economic.

Strategy: The means by which a particular desired outcome can be achieved (NOAA, *National Marine Sanctuary Management Plan Handbook*, 3rd edition, 2002).

Substrate: A surface on which a plant or animal grows or is attached.

Trawling: To fish using a trawl, a large tapered and flattened or conical net towed along the sea bottom.

Trolling: To fish by running a baited line behind a slowly moving boat.

Trophic: A description related to feeding; it often refers to a feeding level in a food chain.

Trophic level: One of a succession of steps in the movement of energy and matter through a food chain in an ecosystem.

Turbidity: The extent to which there are suspended or stirred up particles or sediments, as in the water column.

Appendix IIIC: Acronyms

ACCEO	Alliance for California Current Ecosystem Observation
ACP	Area Contingency Plan (USCG)
ACR	Audubon Canyon Ranch
ACS	American Cetacean Society
AIS	Automated Identification System
AOP	Annual Operating Plan
APPS	U.S. Act to Prevent Pollution from Ships
ATOC	Acoustic Thermometry of Ocean Climate
BeachCOMBERS	Beach Coastal Ocean/Marine Bird Education Research Surveys
BML	Bodega Marine Laboratory
BMP	best management practices
CalCOFI	California Cooperative Oceanic Fisheries Investigations
CAS	California Academy of Sciences
CBNMS	Cordell Bank National Marine Sanctuary
CDFG	California Department of Fish and Game
CenCOOS	Central California Ocean Observing Systems
CFR	Code of Federal Regulations
CIMT	Center for Integrated Marine Technology
CINMS	Channel Islands National Marine Sanctuary
CMAR	Coastal Maritime Archaeology Resources
COASST	Coastal Observation And Seabird Survey Team
CODAR	Coastal Ocean Dynamics Applications Radar
CSC	Coastal Services Center
CSLC	California State Lands Commission
CSUMB	California State University Monterey Bay
CWA	U.S. Clean Water Act
DARRF	Damage Assessment and Restoration Evolving Fund
DEIS	Draft Environmental Impact Statement
DFG	California Department of Fish and Game
DMP	Draft Management Plan
DOC	United States Department of Commerce
DOI	United States Department of the Interior
EDS	Ecosystem Dynamics Study
EECOM	Environmental Education Council of Marin
EEZ	U.S. Exclusive Economic Zone
EFH	essential fish habitat
EIR	Environmental Impact Report
EIS	Environmental Impact Statement
EPA	U.S. Environmental Protection Agency
ESA	Endangered Species Act
FEIS/MP	Final Environmental Impact Statement and Management Plan
FGBNMS	Flower Garden Banks National Marine Sanctuary
FGC	Fish and Game Commission
FGDC	Federal Geospatial Data Center
FMP	Fishery Management Plan
FMSA	Farallones Marine Sanctuary Association
FWCPA	Federal Water Pollution Control Act

Appendix IIIC: Acronyms
CBNMS Draft Management Plan

GCEL	General Council Enforcement Litigation
GCOS	General Council Ocean Service
GFNMS	Gulf of the Farallones National Marine Sanctuary
GGNRA	Golden Gate National Recreation Area
GIS	geographic information systems
GPS	global positioning system
GRNMS	Grey's Reef National Marine Sanctuary
GSA	General Services Administration
HAB	harmful algal bloom
HAZMAT	Hazardous Materials Response Division
HIHWNMS	Hawaiian Islands Humpback Whale National Marine Sanctuary
HMB	Half Moon Bay Regional Office
IACC	Interagency Coordinating Committee
ICES	International Council for Exploration of the Sea
ICS	Incident Command System
IFQ	individual fishing quota
IGERT	Integrative Graduate Education and Research Traineeship Program
IMO	International Maritime Organization
IOOS	Integrated Ocean Observing System
ITQ	individual transferable quota
IUCN	International Union for Conservation of Nature and Natural Resources
JASON	JASON Foundation for Education Project
JMPR	Joint Management Plan Review
JRAP	Joint Research Advisory Panel
LCV	Large Commercial Vessels
LiMPETS	Long-term Monitoring Program and Experiential Training for Students
MAC	Maritime Archeological Center
MARE	Marine Activities, Resources, and Education
MARINE	Multi-Agency Rocky Intertidal Network (NOAA)
MARPOL	International Convention for the Prevention of Pollution from Ships
MATE	Marine Advanced Technology Education (Center)
MBARI	Monterey Bay Aquarium Research Institute
MBNMS	Monterey Bay National Marine Sanctuary
MBNMSF	Monterey Bay National Marine Sanctuary Foundation (MBSF)
MBTA	Migratory Bird Treaty Act
MCBI	Marine Conservation Biology Institute
MERITO	Multicultural Education for Resource Issues Threatening Oceans
MHP	Marine Heritage Program (NMSP)
MLML	Moss Landing Marine Laboratories
MLPA	Marine Life Protection Act
MMPA	Marine Mammal Protection Act
MMS	Minerals Management Service
MOA	memorandum of agreement
MOU	memorandum of understanding
MPA	marine protected area
MSD	marine sanitation device
MSFCMA	Magnuson-Stevens Fishery Conservation and Management Act
NANPCA	Nonindigenous Aquatic Nuisance Prevention and Control Act
NAS	Nautical Archaeology Society
NCCOS	The National Centers for Coastal Ocean Science

NDBC	National Data Buoy Center
NEPA	National Environmental Policy Act
NERRS	National Estuarine Research Reserve System
NESDIS	National Environmental Satellite Data Information Service
NGO	non-governmental organization
NHPA	National Historic Preservation Act
NISA	National Invasive Species Act of 1996
NISAC	Non-native Invasive Species Advisory Committee
NM	nautical mile
NMA	Northern Management Area
NMFS	National Marine Fisheries Service
NMSA	National Marine Sanctuaries Act
NMSF	National Marine Sanctuaries Foundation
NMSP	National Marine Sanctuary Program
NOAA OLE	NOAA Office of Law Enforcement
NOAA	National Oceanic and Atmospheric Administration
NODC	National Oceanographic Data Center
NOS	National Ocean Service
NPDES	National Pollutant Discharge Elimination System
NPR	National Public Radio
NPS	National Park Service
NRDA	National Resource Damage Assessment and Restoration
NURP	National Undersea Research Program (NOAA)
NWFSC	North West Fisheries Science Center
NWS	National Weather Service
OCNMS	Olympic Coast National Marine Sanctuary
OCRM	Office of Coastal Resource Management (NOAA)
OCS	Outer Continental Shelf
OES	Office of Emergency Services
OMS	Office of Marine Sanctuaries
OPA	Oil Spill Prevention Act of 1990
ORR	Office of Response and Restoration
OSPR	(Office of) Oil Spill Prevention and Response (CDFG)
OSRO	Oil Spill Response Organization
PCFFA	Pacific Coast Federation of Fishermen's Associations
PCLC	Pacific Coast Learning Center
PFMC	Pacific Fishery Management Council
PISCO	Partnership for Interdisciplinary Studies of Coastal Oceans
PRBO	PRBO Conservation Science (Point Reyes Bird Observatory)
PRNS	Point Reyes National Seashore
PRNSA	Point Reyes National Seashore Association
PSA	public service announcement
PSMFC	Pacific States Marine Fisheries Commission
PWSA	Ports and Waterways Safety Act
RAP	Research Advisory Panel
ROV	remotely operated vehicle
RRP	Regional Response Plan
RUST	Resources and Under Sea Threats (NMSP database system)
SAC	Sanctuary Advisory Council
SBNMS	Stellwagen Bank National Marine Sanctuary

Appendix IIIC: Acronyms
CBNMS Draft Management Plan

SCCWRP	Southern California Coastal Water Research Project Authority
SCRP	Submerged Cultural Resources Program (NMSP)
SEAMAP	Southeast Area Monitoring and Assessment Program
SeaWif	Sea-viewing Wide Field of Vision
SERC	Smithsonian Environmental Research Center
SFNERR	San Francisco National Estuarine Research Reserve
SFSU	San Francisco State University
SHIELDS	Sanctuaries Hazardous Incident Emergency Logistics Database System
SHPO	California State Historic Preservation Office
SIMoN	Sanctuary Integrated Monitoring Network (MBNMS)
SRP	Shipwreck Reconnaissance Program
SWiM	System Wide Monitoring Program (NMSP)
SWMEA	Southwest Marine and Aquatic Educator's Association
TBNMS	Thunder Bay National Marine Sanctuary
Team OCEAN	TEAM Ocean Conservation Education Action Network (NOAA)
TMMC	The Marine Mammal Center
UCD	University of California Davis
UCSC	University of California Santa Cruz
USCG	United States Coast Guard
USFWS	United States Fish and Wildlife Service
USGS	United States Geological Survey
VTs	Vessel Traffic System
VTSS	Vessel Traffic Separation Schemes
WQPP	Water Quality Protection Program

Appendix IIID: Proposed Revised Designation Document

Proposed Revised Designation Document for Cordell Bank National Marine Sanctuary

Preamble

Under the authority of Title III of the Marine Protection, Research, and Sanctuaries Act of 1972, as amended, 16 U.S.C. 1431 *et seq.* (the “Act”), the Cordell Bank and its surrounding waters offshore northern California, as described in Article 2, are hereby designated as a National Marine Sanctuary for the purpose of protecting and conserving that special, discrete, highly productive marine area and ensuring the continued availability of the ecological, research, educational, aesthetic, historical, and recreational resources therein.

Article I. Effect of Designation

Cordell Bank National Marine Sanctuary (the Sanctuary) was designated on May 24, 1989 (54 FR 22417). Section 308 of the National Marine Sanctuaries Act, 16 U.S.C. 1431 *et seq.* (NMSA), authorizes the issuance of such regulations as may be necessary to implement the designation, including managing, protecting and conserving the conservation, recreational, ecological, historical, cultural, archeological, scientific, educational, and aesthetic resources and qualities of the Sanctuary. Section 1 of Article IV of this Designation Document lists activities of the types that are either to be regulated on the effective date of final rulemaking or may have to be regulated at some later date in order to protect Sanctuary resources and qualities. Listing does not necessarily mean that a type of activity will be regulated; however, if a type of activity is not listed it may not be regulated, except on an emergency basis, unless Section 1 of Article IV is amended to include the type of activity by the same procedures by which the original designation was made.

Article II. Description of the Area

The Sanctuary consists of a 399 square nautical mile area of marine waters and the submerged lands thereunder encompassed by a boundary extending approximately 250° from the northernmost boundary of Gulf of the Farallones National Marine Sanctuary (GFNMS) to the 1,000 fathom isobath northwest of the Bank, then south along this isobath to the GFNMS boundary and back to the northeast along this boundary to the beginning point. The precise boundaries are set forth in the regulations.

Article III. Characteristics of the Area that Give it Particular Value

Cordell Bank is characterized by a combination of oceanic conditions and undersea topography that provides for a highly productive environment in a discrete, well-defined area. In addition, the Bank and its surrounding waters may contain historical resources of national significance. The Bank consists of a series of steep-sided ridges and narrow pinnacles rising from the edge of the continental shelf. It lies on a plateau 300 to 400 feet (91 to 122 meters) deep and ascends to within about 140 to 120 feet (42 to 37 meters) of the surface. The seasonal upwelling of nutrient-rich bottom waters and wide depth ranges in the vicinity, have led to a unique association of subtidal and oceanic species. The vigorous biological community flourishing at

Cordell Bank includes an exceptional assortment of algae, invertebrates, fishes, marine mammals and seabirds.

Article IV. Scope of Regulation

Section 1. Activities Subject to Regulation

The following activities are subject to regulation, including prohibition, as may be necessary to ensure the management, protection, and preservation of the conservation, recreational, ecological, historical, cultural, archeological, scientific, educational, and aesthetic resources and qualities of this area:

- a. Depositing or discharging any material or substance;
- b. Removing, taking, or injuring or attempting to remove, take, or injure benthic invertebrates or algae located on the Bank or within the line representing the 50 fathom isobath surrounding the Bank;
- c. Hydrocarbon (oil and gas) activities within the Sanctuary;
- d. Anchoring on the Bank or within the line representing the 50 fathom isobath surrounding the Bank;
- e. Activities regarding cultural or historical resources;
- f. Drilling into, dredging, or otherwise altering the submerged lands of the Sanctuary; or constructing, placing, or abandoning any structure, material, or other matter on or in the submerged lands of the Sanctuary;
- g. Taking or possessing any marine mammal, marine reptile, or bird except as permitted under the Marine Mammal Protection Act, Endangered Species Act or Migratory Bird Treaty Act; and
- h. Introducing or otherwise releasing from within or into the Sanctuary an introduced species.

Section 2. Consistency with International Law

The regulations governing activities listed in Section 1 of this Article shall apply to foreign flag vessels and foreign persons only to the extent consistent with generally recognized principles of international law, and in accordance with treaties, conventions, and other agreements to which the United States is a party.

Section 3. Emergency Regulations

Where necessary to prevent or minimize the destruction of, loss of, or injury to a Sanctuary resource or quality, or minimize the imminent risk of such destruction, loss, or injury, any and all activities, including those not listed in Section 1 of this Article, are subject to immediate temporary regulation, including prohibition, within the limits of the Act on an emergency basis for a period not to exceed 120 days.

Article V. Relation to Other Regulatory Programs

Section 1. Fishing

The regulation of fishing is not authorized under Article IV. All regulatory programs pertaining to fishing, including Fishery Management Plans promulgated under the Magnuson-Stevens Fishery Conservation and Management Act, 16 U.S.C 1801 *et seq.* (“Magnuson-Stevens Act”), shall remain in effect. All permits, licenses, approvals, and other authorizations issued pursuant

to the Magnuson-Stevens Act shall be valid within the Sanctuary. However, all fishing vessels are subject to regulation under Article IV with respect to discharges and anchoring.

Section 2. Defense Activities

The regulation of activities listed in Article IV shall not prohibit any Department of Defense (DOD) activities that are necessary for national defense. All such activities being carried out by DOD within the Sanctuary on the effective date of designation shall be exempt from any prohibitions contained in the Sanctuary regulations. Additional DOD activities initiated after the effective date of designation that are necessary for national defense will be exempted after consultation between the Department of Commerce and DOD. DOD activities not necessary for national defense, such as routine exercises and vessel operations, shall be subject to all prohibitions contained in the Sanctuary regulations.

Section 3. Other Programs

All applicable regulatory programs shall remain in effect, and all permits, licenses, approvals, and other authorizations issued pursuant to those programs shall be valid, subject only to the regulation of activities pursuant to Article IV.

Article VI. Alterations to This Designation

The terms of designation, as defined under section 304(a) of the Act, may be modified only by the same procedures by which the original designation is made, including public hearings, consultation with interested Federal, State, and local agencies, review by the appropriate Congressional committees and Governor of the State of California, and approval by the Secretary of Commerce or designee.

[END OF DESIGNATION DOCUMENT]

Appendix III E: Proposed Revised Regulations

Cordell Bank National Marine Sanctuary Regulations

PART 922—[AMENDED]

1. The authority citation for Part 922 continues to read as follows:

Authority: 16 U.S.C. 1431 *et seq.*

2. Subpart G is amended to read as follows:

SUBPART G – CORDELL BANK NATIONAL MARINE SANCTUARY

§ 922.110 Boundary

§ 922.111 Definitions

§ 922.112 Prohibited Or Otherwise Regulated Activities

§ 922.113 Permit Procedures And Issuance Criteria

Appendix A To Subpart G Of Part 922 — Cordell Bank National Marine Sanctuary Boundary Coordinates

Appendix B To Subpart G Of Part 922 — Line Representing the 50-Fathom Isobath Surrounding Cordell Bank

§ 922.110 Boundary

The Cordell Bank National Marine Sanctuary (Sanctuary) boundary encompasses a total area of approximately 399 square nautical miles (nmi) of ocean waters, and submerged lands thereunder, off the northern coast of California approximately 50 miles west-northwest of San Francisco, California. The Sanctuary boundary extends westward (approximately 250 degrees) from the northwestern most point of the Gulf of the Farallones National Marine Sanctuary (GFNMS) towards the 1,000 fathom isobath northwest of Cordell Bank. The Sanctuary boundary then generally follows this isobath in a southerly direction to the southwestern-most point of the GFNMS boundary. The Sanctuary boundary then follows the GFNMS boundary again to the northwestern-most point of the GFNMS. The exact boundary coordinates are listed in Appendix A to this subpart.

§ 922.111 Definitions

In addition to the definitions found in § 922.3, the following definitions apply to this subpart:

Introduced Species means (1) a species (including, but not limited to, any of its biological matter capable of propagation) that is non-native to the ecosystem(s) protected by the Sanctuary; or (2) any organism into which genetic matter from another species has been transferred in order that the host organism acquires the genetic traits of the transferred genes.

Cruise ship means a vessel with 250 or more passenger berths for hire.

§ 922.112 Prohibited or otherwise regulated activities

(a) The following activities are prohibited and thus are unlawful for any person to conduct or to cause to be conducted within the Sanctuary:

(1)(i) Discharging or depositing from within or into the Sanctuary, other than from a cruise ship, any material or other matter except:

(A) Fish, fish parts, or chumming materials (bait), used in or resulting from lawful fishing activity within the Sanctuary and discharged or deposited while conducting lawful fishing activity within the Sanctuary;

(B) Biodegradable effluents incidental to vessel use and generated by an operable Type I or II marine sanitation device (U.S. Coast Guard classification) approved in accordance with section 312 of the Federal Water Pollution Control Act, as amended, (FWPCA), 33 U.S.C. 1322. Vessel operators must lock all marine sanitation devices in a manner that prevents discharge of untreated sewage;

(C) Biodegradable material or other matter from a vessel resulting from deck wash down or vessel engine cooling water; or

(D) Vessel engine exhaust.

(ii) Discharging or depositing, from within or into the Sanctuary, any material or other matter from a cruise ship except vessel engine cooling water.

(iii) Discharging or depositing, from beyond the boundary of the Sanctuary, any material or other matter that subsequently enters the Sanctuary and injures a Sanctuary resource or quality, except as listed in paragraphs (a)(1)(i) and (a)(1)(ii) of this section.

(2) Except as incidental and necessary to lawful use of any fishing gear, during normal fishing operations: removing, taking, or injuring or attempting to remove, take, or injure benthic invertebrates or algae located on Cordell Bank or on or within the line representing the 50-fathom isobath surrounding the Bank. The coordinates for the line representing the 50-fathom isobath are listed in Appendix B to this subpart. There is a rebuttable presumption that any such resource found in the possession of a person within the Sanctuary was taken or removed by that person.

(3) Exploring for, or developing or producing, oil, gas, or minerals in any area of the Sanctuary.

(4) (i) Except as incidental and necessary to lawful use of any fishing gear, during normal fishing operations: drilling into, dredging, or otherwise altering Cordell Bank or the submerged lands on or within the line representing the 50-fathom isobath surrounding the Bank; or constructing, placing, or abandoning any structure, material or other matter on the Bank or on the submerged lands on or within the line representing the 50-fathom isobath surrounding the Bank. The coordinates for the line representing the 50-fathom isobath are listed in Appendix B to this

subpart.

(ii) Except as incidental and necessary for anchoring a vessel or lawful use of any fishing gear during normal fishing operations: drilling into, dredging, or otherwise altering the submerged lands in the Sanctuary beyond the line representing the 50-fathom isobath surrounding Cordell Bank; or constructing, placing, or abandoning any structure, material or matter on the submerged lands in the Sanctuary beyond the line representing the 50-fathom isobath surrounding Cordell Bank. The coordinates for the line representing the 50-fathom isobath are listed in Appendix B to this subpart.

(5) Taking any marine mammal, sea turtle, or bird within or above the Sanctuary, except as permitted by regulations, as amended, promulgated under the Marine Mammal Protection Act, as amended, (MMPA), 16 U.S.C. 1362 *et seq.*, the Endangered Species Act, as amended, (ESA), 16 U.S.C. 1531 *et seq.*, and the Migratory Bird Treaty Act, as amended, (MBTA), 16 U.S.C. 703 *et seq.*

(6) Possessing within the Sanctuary (regardless of where taken, moved or removed from), any marine mammal, sea turtle or bird taken, except as authorized under the MMPA, ESA, MBTA, under any regulation, as amended, promulgated under these acts, or as necessary for valid law enforcement purposes.

(7) Introducing or otherwise releasing from within or into the Sanctuary an introduced species, except striped bass
(*Morone saxatilis*) released during catch and release fishing activity.

(b) The prohibitions in paragraph (a) of this section do not apply to activities necessary to respond to an emergency threatening life, property or the environment, or except as may be permitted by the Director in accordance with § 922.48 and § 922.113.

(c) All activities being carried out by the Department of Defense (DOD) within the Sanctuary on the effective date of designation that are necessary for national defense are exempt from the prohibitions contained in the regulations in this subpart. Additional DOD activities initiated after the effective date of designation that are necessary for national defense will be exempted by the Director after consultation between the Department of Commerce and DOD. DOD activities not necessary for national defense, such as routine exercises and vessel operations, are subject to all prohibitions contained in the regulations in this subpart.

(d) Where necessary to prevent immediate, serious, and irreversible damage to a Sanctuary resource, any activity may be regulated within the limits of the Act on an emergency basis for no more than 120 days.

§ 922.113 Permit procedures and issuance criteria

(a) A person may conduct an activity prohibited by § 922.112 if such activity is specifically authorized by, and conducted in accordance with the scope, purpose, terms and conditions of, a permit issued under § 922.48 and this section.

- (b) The Director, at his or her discretion, may issue a national marine sanctuary permit under this section, subject to terms and conditions, as he or she deems appropriate, if the Director finds that the activity will:
- (1) Further research or monitoring related to Sanctuary resources and qualities;
 - (2) Further the educational value the Sanctuary;
 - (3) Further salvage or recovery operations in or near the Sanctuary in connection with a recent air or marine casualty; or
 - (4) Assist in managing the Sanctuary.
- (c) In deciding whether to issue a permit, the Director shall consider such factors as:
- (1) The applicant is qualified to conduct and complete the proposed activity;
 - (2) The applicant has adequate financial resources available to conduct and complete the proposed activity;
 - (3) The methods and procedures proposed by the applicant are appropriate to achieve the goals of the proposed activity, especially in relation to the potential effects of the proposed activity on Sanctuary resources and qualities;
 - (4) The proposed activity will be conducted in a manner compatible with the primary objective of protection of Sanctuary resources and qualities, considering the extent to which the conduct of the activity may diminish or enhance Sanctuary resources and qualities, any potential indirect, secondary or cumulative effects of the activity, and the duration of such effects;
 - (5) The proposed activity will be conducted in a manner compatible with the value of the Sanctuary, considering the extent to which the conduct of the activity may result in conflicts between different users of the Sanctuary, and the duration of such effects;
 - (6) It is necessary to conduct the proposed activity within the Sanctuary;
 - (7) The reasonably expected end value of the proposed activity to the furtherance of Sanctuary goals and purposes outweighs any potential adverse effects on Sanctuary resources and qualities from the conduct of the activity; and
 - (8) any other factors as the Director deems appropriate.
- (d) Applications.
- (1) Applications for permits should be addressed to the Director, Office of National Marine Sanctuaries; ATTN: Superintendent, Cordell Bank National Marine Sanctuary, P.O. Box 159, Olema, CA 94950.
 - (2) In addition to the information listed in § 922.48(b), all applications must include information to be considered by the Director in paragraph (b) and (c) of this section.
- (e) The permittee must agree to hold the United States harmless against any claims arising out of the conduct of the permitted activities.

**APPENDIX A TO SUBPART G OF PART 922— CORDELL BANK NATIONAL
MARINE SANCTUARY BOUNDARY COORDINATES**

Coordinates listed in this Appendix are unprojected (Geographic Coordinate System) and based on the North American Datum of 1983 (NAD83).

SANCTUARY BOUNDARY COORDINATES						
Point ID #	Latitude	Longitude		Point ID #	Latitude	Longitude
1	38.26390	-123.18138		26	37.84988	-123.51749
2	38.13219	-123.64265		27	37.82296	-123.49280
3	38.11256	-123.63344		28	37.81365	-123.47906
4	38.08289	-123.62065		29	37.81026	-123.46897
5	38.07451	-123.62162		30	37.80094	-123.47313
6	38.06188	-123.61546		31	37.79487	-123.46721
7	38.05308	-123.60549		32	37.78383	-123.45466
8	38.04614	-123.60611		33	37.78109	-123.44694
9	38.03409	-123.59904		34	37.77033	-123.43466
10	38.02419	-123.59864		35	37.76687	-123.42694
11	38.02286	-123.61531		36	37.83480	-123.42579
12	38.01987	-123.62450		37	37.90464	-123.38958
13	38.01366	-123.62494		38	37.95880	-123.32312
14	37.99847	-123.61331		39	37.98947	-123.23615
15	37.98678	-123.59988		40	37.99227	-123.14137
16	37.97761	-123.58746		41	38.05202	-123.12827
17	37.96683	-123.57859		42	38.06505	-123.11711
18	37.95528	-123.56199		43	38.07898	-123.10924
19	37.94901	-123.54777		44	38.09069	-123.10387
20	37.93858	-123.54701		45	38.10215	-123.09804
21	37.92288	-123.54360		46	38.12829	-123.08742
22	37.90725	-123.53937		47	38.14072	-123.08237
23	37.88541	-123.52967		48	38.16576	-123.09207
24	37.87637	-123.52192		49	38.21001	-123.11913
25	37.86189	-123.52197		50	38.26390	-123.18138

APPENDIX B TO SUBPART G OF PART 922— LINE REPRESENTING THE 50-FATHOM ISOBATH SURROUNDING CORDELL BANK

Coordinates listed in this Appendix are unprojected (Geographic Coordinate System) and based on the North American Datum of 1983 (NAD83).

CORDELL BANK FIFTY FATHOM LINE						
Point ID #	Latitude	Longitude		Point ID #	Latitude	Longitude
1	37.96034	-123.40371		8	38.07588	-123.47195
2	37.96172	-123.42081		9	38.06451	-123.46146
3	37.99110	-123.44379		10	38.07123	-123.44467
4	38.00406	-123.46443		11	38.04446	-123.40286
5	38.01637	-123.46076		12	38.01442	-123.38588
6	38.04684	-123.47920		13	37.98859	-123.37533
7	38.07106	-123.48754		14	37.97071	-123.38605

Appendix IIIF: National Marine Sanctuaries Act

16 U.S.C. 1431 ET SEQ., as amended by Public Law 106-513

Sec. 301. FINDINGS, PURPOSES, AND POLICIES; ESTABLISHMENT OF SYSTEM

(a) FINDINGS.--The Congress finds that--

(1) this Nation historically has recognized the importance of protecting special areas of its public domain, but these efforts have been directed almost exclusively to land areas above the high-water mark;

(2) certain areas of the marine environment possess conservation, recreational, ecological, historical, scientific, educational, cultural, archeological, or aesthetic qualities which give them special national, and in some instances, international, significance;

(3) while the need to control the effects of particular activities has led to enactment of resource-specific legislation, these laws cannot in all cases provide a coordinated and comprehensive approach to the conservation and management of special areas of the marine environment; and

(4) a Federal program which establishes areas of the marine environment which have special conservation, recreational, ecological, historical, cultural, archeological, scientific, educational, or aesthetic qualities as national marine sanctuaries managed as the National Marine Sanctuary System will-

(A) improve the conservation, understanding, management, and wise and sustainable use of marine resources;

(B) enhance public awareness, understanding, and appreciation of the marine environment; and

(C) maintain for future generations the habitat, and ecological services, of the natural assemblage of living resources that inhabit these areas.

(b) PURPOSES AND POLICIES.--The purposes and policies of this title are--

(1) to identify and designate as national marine sanctuaries areas of the marine environment which are of special national significance and to manage these areas as the National Marine Sanctuary System;

(2) to provide authority for comprehensive and coordinated conservation and management of these marine areas, and activities affecting them, in a manner which complements existing regulatory authorities;

(3) to maintain the natural biological communities in the national marine sanctuaries, and to protect, and, where appropriate, restore and enhance natural habitats, populations, and ecological processes;

(4) to enhance public awareness, understanding, appreciation, and wise and sustainable use of the marine environment, and the natural, historical, cultural, and archeological resources of the National Marine Sanctuary System;

(5) to support, promote, and coordinate scientific research on, and long-term monitoring of, the resources of these marine areas;

(6) to facilitate to the extent compatible with the primary objective of resource protection, all public and private uses of the resources of these marine areas not prohibited pursuant to other authorities;

(7) to develop and implement coordinated plans for the protection and management of these areas with appropriate Federal agencies, State and local governments, Native American tribes and organizations, international organizations, and other public and private interests concerned with the continuing health and resilience of these marine areas;

(8) to create models of, and incentives for, ways to conserve and manage these areas, including the application of innovative management techniques; and

(9) to cooperate with global programs encouraging conservation of marine resources.

(c) ESTABLISHMENT OF SYSTEM.-There is established the National Marine Sanctuary System, which shall consist of national marine sanctuaries designated by the Secretary in accordance with this title.

Sec. 302. DEFINITIONS

As used in this title, the term--

(1) "Draft management plan" means the plan described in section 304(a)(1)(C)(v);

(2) "Magnuson-Stevens Act" means the Magnuson-Stevens Fishery Conservation and Management Act (16 U.S.C. 1801 et seq.);

(3) "marine environment" means those areas of coastal and ocean waters, the Great Lakes and their connecting waters, and submerged lands over which the United States exercises jurisdiction, including the exclusive economic zone, consistent with international law;

(4) "Secretary" means the Secretary of Commerce;

(5) "State" means each of the several States, the District of Columbia, the Commonwealth of Puerto Rico, the Commonwealth of the Northern Mariana Islands, American Samoa, the Virgin Islands, Guam, and any other commonwealth, territory, or possession of the United States;

(6) "damages" includes--

(A) compensation for--

(i)(I) the cost of replacing, restoring, or acquiring the equivalent of a sanctuary resource; and (II) the value of the lost use of a sanctuary resource pending its restoration or replacement or the acquisition of an equivalent sanctuary resource; or

(ii) the value of a sanctuary resource if the sanctuary resource cannot be restored or replaced or if the equivalent of such resource cannot be acquired;

(B) the cost of damage assessments under section 312(b)(2);

(C) the reasonable cost of monitoring appropriate to the injured, restored, or replaced resources;

(D) the cost of curation and conservation of archeological, historical, and cultural sanctuary resources; and

(E) the cost of enforcement actions undertaken by the Secretary in response to the destruction or loss of, or injury to, a sanctuary resource;

(7) "response costs" means the costs of actions taken or authorized by the Secretary to minimize destruction or loss of, or injury to, sanctuary resources, or to minimize the imminent risks of such destruction, loss, or injury, including costs related to seizure forfeiture, storage, or disposal arising from liability under section 312;

(8) "sanctuary resource" means any living or nonliving resource of a national marine sanctuary that contributes to the conservation, recreational, ecological, historical, educational, cultural, archeological, scientific, or aesthetic value of the sanctuary;

(9) "exclusive economic zone" means the exclusive economic zone as defined in the Magnuson-Stevens Act; and

(10) 'System' means the National Marine Sanctuary System established by section 301.

Sec. 303. SANCTUARY DESIGNATION STANDARDS

(a) STANDARDS.--The Secretary may designate any discrete area of the marine environment as a national marine sanctuary and promulgate regulations implementing the designation if the Secretary determines that--

(1) the designation will fulfill the purposes and policies of this title;

(2) the area is of special national significance due to--

(A) its conservation, recreational, ecological, historical, scientific, cultural, archeological, educational, or aesthetic qualities;

(B) the communities of living marine resources it harbors; or

(C) its resource or human-use values;

(3) existing State and Federal authorities are inadequate or should be supplemented to ensure coordinated and comprehensive conservation and management of the area, including resource protection, scientific research, and public education;

(4) designation of the area as a national marine sanctuary will facilitate the objectives in subparagraph (3); and

(5) the area is of a size and nature that will permit comprehensive and coordinated conservation and management.

(b) FACTORS AND CONSULTATIONS REQUIRED IN MAKING DETERMINATIONS AND FINDINGS.--

(1) Factors.--For purposes of determining if an area of the marine environment meets the standards set forth in subsection (a), the Secretary shall consider--

(A) the area's natural resource and ecological qualities, including its contribution to biological productivity, maintenance of ecosystem structure, maintenance of ecologically or commercially important or threatened species or species assemblages, maintenance of critical habitat of endangered species, and the biogeographic representation of the site;

(B) the area's historical, cultural, archaeological, or paleontological significance;

(C) the present and potential uses of the area that depend on maintenance of the area's resources, including commercial and recreational fishing, subsistence uses other than commercial and recreational activities, and research and education;

(D) the present and potential activities that may adversely affect the factors identified in subparagraphs (A), (B), (C);

(E) the existing State and Federal regulatory and management authorities applicable to the area and the adequacy of those authorities to fulfill the purposes and policies of this title;

(F) the manageability of the area, including such factors as its size, its ability to be identified as a discrete ecological unit with definable boundaries, its accessibility, and its suitability for monitoring and enforcement activities;

(G) the public benefits to be derived from sanctuary status, with emphasis on the benefits of long-term protection of nationally significant resources, vital habitats, and resources which generate tourism;

(H) the negative impacts produced by management restrictions on income-generating activities such as living and nonliving resources development;

(I) the socioeconomic effects of sanctuary designation;

(J) the area's scientific value and value for monitoring the resources and natural processes that occur there;

(K) the feasibility, where appropriate, of employing innovative management approaches to protect sanctuary resources or to manage compatible uses; and

(L) the value of the area as an addition to the System.

(2) Consultation.--In making determinations and findings, the Secretary shall consult with--

(A) the Committee on Resources of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate;

(B) the Secretaries of State, Defense, Transportation, and the Interior, the Administrator, and the heads of other interested Federal agencies;

(C) the responsible officials or relevant agency heads of the appropriate State and local government entities, including coastal zone management agencies, that will or are likely to be affected by the establishment of the area as a national marine sanctuary;

(D) the appropriate officials of any Regional Fishery Management Council established by section 302 of the Magnuson-Stevens Act (16 U.S.C. 1852) that may be affected by the proposed designation; and

(E) other interested persons.

Sec. 304. PROCEDURES FOR DESIGNATION AND IMPLEMENTATION

(a) SANCTUARY PROPOSAL.--

(1) Notice.--In proposing to designate a national marine sanctuary, the Secretary shall--

(A) issue, in the Federal Register, a notice of the proposal, proposed regulations that may be necessary and reasonable to implement the proposal, and a summary of the draft management plan;

(B) provide notice of the proposal in newspapers of general circulation or electronic media in the communities that may be affected by the proposal; and

(C) no later than the day on which the notice required under subparagraph (A) is submitted to Office of the Federal Register, submit a copy of that notice and the draft sanctuary designation documents prepared pursuant to section 304(a)(2), including an executive summary, to the Committee on Resources of the House of Representatives, the Committee on Commerce, Science, and Transportation of the Senate, and the Governor of each State in which any part of the proposed sanctuary would be located.

(2) Sanctuary Designation Documents.--The Secretary shall prepare and make available to the public sanctuary designation documents on the proposal that include the following:

(A) A draft environmental impact statement pursuant to the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.).

(B) A resource assessment that documents--

(i) present and potential uses of the area, including commercial and recreational fishing, research and education, minerals and energy development, subsistence uses, and other commercial, governmental, or recreational uses;

(ii) after consultation with the Secretary of the Interior, any commercial, governmental, or recreational resource uses in the areas that are subject to the primary jurisdiction of the Department of the Interior; and

(iii) information prepared in consultation with the Secretary of Defense, the Secretary of Energy, and the Administrator of the Environmental Protection Agency, on any past, present, or proposed future disposal or discharge of materials in the vicinity of the proposed sanctuary. Public disclosure by the Secretary of such information shall be consistent with national security regulations.

(C) A draft management plan for the proposed national marine sanctuary that includes the following:

(i) The terms of the proposed designation.

(ii) Proposed mechanisms to coordinate existing regulatory and management authorities within the area.

(iii) The proposed goals and objectives, management responsibilities, resource studies, and appropriate strategies for managing sanctuary resources of the proposed sanctuary, including interpretation and education, innovative management strategies, research, monitoring and assessment, resource protection, restoration, enforcement, and surveillance activities.

(iv) An evaluation of the advantages of cooperative State and Federal management if all or part of the proposed sanctuary is within the territorial limits of any State or is superjacent to the subsoil and seabed within the seaward boundary of a State, as that boundary is established under the Submerged Lands Act (43 U.S.C. 1301 et seq.).

(v) An estimate of the annual cost to the Federal Government of the proposed designation, including costs of personnel, equipment and facilities, enforcement, research, and public education.

(vi) The proposed regulations referred to in paragraph (1)(A).

(D) Maps depicting the boundaries of the proposed sanctuary.

(E) The basis for the determinations made under section 303(a) with respect to the area.

(F) An assessment of the considerations under section 303(b)(1).

(3) Public Hearing.--No sooner than thirty days after issuing a notice under this subsection, the Secretary shall hold at least one public hearing in the coastal area or areas that will be most

affected by the proposed designation of the area as a national marine sanctuary for the purpose of receiving the views of interested parties.

(4) Terms of Designation.--The terms of designation of a sanctuary shall include the geographic area proposed to be included within the sanctuary, the characteristics of the area that give it conservation, recreational, ecological, historical, research, educational, or aesthetic value, and the types of activities that will be subject to regulation by the Secretary to protect those characteristics. The terms of designation may be modified only by the same procedures by which the original designation is made.

(5) Fishing Regulations.--The Secretary shall provide the appropriate Regional Fishery Management Council with the opportunity to prepare draft regulations for fishing within the Exclusive Economic Zone as the Council may deem necessary to implement the proposed designation. Draft regulations prepared by the Council, or a Council determination that regulations are not necessary pursuant to this paragraph, shall be accepted and issued as proposed regulations by the Secretary unless the Secretary finds that the Council's action fails to fulfill the purposes and policies of this title and the goals and objectives of the proposed designation. In preparing the draft regulations, a Regional Fishery Management Council shall use as guidance the national standards of section 301(a) of the Magnuson-Stevens Act (16 U.S.C. 1851) to the extent that the standards are consistent and compatible with the goals and objectives of the proposed designation. The Secretary shall prepare the fishing regulations, if the Council declines to make a determination with respect to the need for regulations, makes a determination which is rejected by the Secretary, or fails to prepare the draft regulations in a timely manner. Any amendments to the fishing regulations shall be drafted, approved, and issued in the same manner as the original regulations. The Secretary shall also cooperate with other appropriate fishery management authorities with rights or responsibilities within a proposed sanctuary at the earliest practicable stage in drafting any sanctuary fishing regulations.

(6) Committee Action.--After receiving the documents under subsection (a)(1)(C), the Committee on Resources of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate may each hold hearings on the proposed designation and on the matters set forth in the documents. If within the forty-five day period of continuous session of Congress beginning on the date of submission of the documents, either Committee issues a report concerning matters addressed in the documents, the Secretary shall consider this report before publishing a notice to designate the national marine sanctuary.

(b) TAKING EFFECT OF DESIGNATIONS.--

(1) Notice.--In designating a national marine sanctuary, the Secretary shall publish in the Federal Register notice of the designation together with final regulations to implement the designation and any other matters required by law, and submit such notice to the Congress. The Secretary shall advise the public of the availability of the final management plan and the final environmental impact statement with respect to such sanctuary. The Secretary shall issue a notice of designation with respect to a proposed national marine sanctuary site not later than 30 months after the date a notice declaring the site to be an active candidate for sanctuary designation is published in the Federal Register under regulations issued under this Act, or shall publish not later than such date in the Federal Register findings regarding why such notice has

not been published. No notice of designation may occur until the expiration of the period for Committee action under subsection (a)(6). The designation (and any of its terms not disapproved under this subsection) and regulations shall take effect and become final after the close of a review period of forty-five days of continuous session of Congress beginning on the day on which such notice is published unless in the case of a natural [sic] marine sanctuary that is located partially or entirely within the seaward boundary of any State, the Governor affected certifies to the Secretary that the designation or any of its terms is unacceptable, in which case the designation or the unacceptable term shall not take effect in the area of the sanctuary lying within the seaward boundary of the State.

(2) Withdrawal of Designation.-- If the Secretary considers that actions taken under paragraph (1) will affect the designation of a national marine sanctuary in a manner that the goals and objectives of the sanctuary or System cannot be fulfilled, the Secretary may withdraw the entire designation. If the Secretary does not withdraw the designation, only those terms of the designation or not certified under paragraph (1) shall take effect.

(3) Procedures.-- In computing the forty-five-day periods of continuous session of Congress pursuant to subsection (a)(6) and paragraph (1) of this subsection--

(A) continuity of session is broken only by an adjournment of Congress sine die; and

(B) the days on which either House of Congress is not in session because of an adjournment of more than three days to a day certain are excluded.

(c) ACCESS AND VALID RIGHTS.--

(1) Nothing in this title shall be construed as terminating or granting to the Secretary the right to terminate any valid lease, permit, license, or right of subsistence use or of access that is in existence on the date of designation of any national marine sanctuary.

(2) The exercise of a lease, permit, license, or right is subject to regulation by the Secretary consistent with the purposes for which the sanctuary is designated.

(d) INTERAGENCY COOPERATION.--

(1) Review of Agency Actions.--

(A) In General.--Federal agency actions internal or external to a national marine sanctuary, including private activities authorized by licenses, leases, or permits, that are likely to destroy, cause the loss of, or injure any sanctuary resource are subject to consultation with the Secretary.

(B) Agency Statements Required.-- Subject to any regulations the Secretary may establish each Federal agency proposing an action described in subparagraph (A) shall provide the Secretary with a written statement describing the action and its potential effects on sanctuary resources at the earliest practicable time, but in no case later than 45 days before the final approval of the action unless such Federal agency and the Secretary agree to a different schedule.

(2) Secretary's Recommended Alternatives.--If the Secretary finds that a Federal agency action is likely to destroy, cause the loss of, or injure a sanctuary resource, the Secretary shall (within 45 days of receipt of complete information on the proposed agency action) recommend reasonable and prudent alternatives, which may include conduct of the action elsewhere, which can be taken by the Federal agency in implementing the agency action that will protect sanctuary resources.

(3) Response to Recommendations.--The agency head who receives the Secretary's recommended alternatives under paragraph (2) shall promptly consult with the Secretary on the alternatives. If the agency head decides not to follow the alternatives, the agency head shall provide the Secretary with a written statement explaining the reasons for that decision.

(4) FAILURE TO FOLLOW ALTERNATIVE.--If the head of a Federal agency takes an action other than an alternative recommended by the Secretary and such action results in the destruction of, loss of, or injury to a sanctuary resource, the head of the agency shall promptly prevent and mitigate further damage and restore or replace the sanctuary resource in a manner approved by the Secretary.

(e) REVIEW OF MANAGEMENT PLANS.--Not more than 5 years after the date of designation of any national marine sanctuary, and thereafter at intervals not exceeding 5 years, the Secretary shall evaluate the substantive progress toward implementing the management plan and goals for the sanctuary, especially the effectiveness of site-specific management techniques and strategies, and shall revise the management plan and regulations as necessary to fulfill the purposes and policies of this title. This review shall include a prioritization of management objectives.

(f) LIMITATION ON DESIGNATION OF NEW SANCTUARIES.--

(1) FINDING REQUIRED.--The Secretary may not publish in the Federal Register any sanctuary designation notice or regulations proposing to designate a new sanctuary, unless the Secretary has published a finding that--

(A) the addition of a new sanctuary will not have a negative impact on the System; and

(B) sufficient resources were available in the fiscal year in which the finding is made to--

(i) effectively implement sanctuary management plans for each sanctuary in the System; and

(ii) complete site characterization studies and inventory known sanctuary resources, including cultural resources, for each sanctuary in the System within 10 years after the date that the finding is made if the resources available for those activities are maintained at the same level for each fiscal year in that 10 year period.

(2) DEADLINE.--If the Secretary does not submit the findings required by paragraph (1) before February 1, 2004, the Secretary shall submit to the Congress before October 1, 2004, a finding with respect to whether the requirements of subparagraphs (A) and (B) of paragraph 1 have been met by all existing sanctuaries.

(3) LIMITATION ON APPLICATION.--Paragraph (1) does not apply to any sanctuary designation documents for--

(A) a Thunder Bay National Marine Sanctuary; or

(B) a Northwestern Hawaiian Islands National Marine Sanctuary.

(g) NORTHWESTERN HAWAIIAN ISLANDS CORAL REEF RESERVE.--

(1) PRESIDENTIAL DESIGNATION.--The President, after consultation with the Governor of the State of Hawaii, may designate any Northwestern Hawaiian Islands coral reef or coral reef ecosystem as a coral reef reserve to be managed by the Secretary of Commerce.

(2) SECRETARIAL ACTION.--Upon the designation of a reserve under paragraph (1) by the President, the Secretary shall--

(A) take action to initiate the designation of the reserve as a National Marine Sanctuary under sections 303 and 304 of the National Marine Sanctuaries Act (16 U.S.C. 1433);

(B) establish a Northwestern Hawaiian Islands Reserve Advisory Council under section 315 of that Act (16 U.S.C. 1445a), the membership of which shall include at least 1 representative from Native Hawaiian groups; and

(C) until the reserve is designated as a National Marine Sanctuary, manage the reserve in a manner consistent with the purposes and policies of that Act.

(3) PUBLIC COMMENT.--Notwithstanding any other provision of law, no closure areas around the Northwestern Hawaiian Islands shall become permanent without adequate review and comment.

(4) COORDINATION.--The Secretary shall work with other Federal agencies and the Director of the National Science Foundation, to develop a coordinated plan to make vessels and other resources available for conservation or research activities for the reserve.

(5) REVIEW.--If the Secretary has not designated a national marine sanctuary in the Northwestern Hawaiian Islands under sections 303 and 304 of the National Marine Sanctuaries Act (16 U.S.C. 1433, 1434) before October 1, 2005, the Secretary shall conduct a review of the management of the reserve under section 304(e) of that Act (16 U.S.C. 1434(e)).

(6) REPORT.--No later than 6 months after the date of enactment of this Act, the Secretary shall submit a report to the Senate Committee on Commerce, Science, and Transportation and the House of Representatives Committee on Resources, describing actions taken to implement this subsection, including costs of monitoring, enforcing, and addressing marine debris, and the extent to which the fiscal or other resources necessary to carry out this subsection are reflected in the Budget of the United States Government submitted by the President under section 1104 of title 31, United States Code.

(7) AUTHORIZATION OF APPROPRIATIONS.--There are authorized to be appropriated to the Secretary of Commerce to carry out the provisions of this subsection such sums, not exceeding \$4,000,000 for each of fiscal years 2001, 2002, 2003, 2004, and 2005, as are reported under paragraph (6) to be reflected in the Budget of the United States Government.

Sec. 305. APPLICATION OF REGULATIONS AND INTERNATIONAL NEGOTIATIONS

(a) REGULATIONS.--This title and the regulations issued under section 304 shall be applied in accordance with generally recognized principles of international law, and in accordance with the treaties, conventions, and other agreements to which the United States is a party. No regulation shall apply to or be enforced against a person who is not a citizen, national, or resident alien of the United States, unless in accordance with--

- (1) generally recognized principles of international law;
- (2) an agreement between the United States and the foreign state of which the person is a citizen; or
- (3) an agreement between the United States and the flag state of a foreign vessel, if the person is a crewmember of the vessel.

(b) NEGOTIATIONS.--The Secretary of State, in consultation with the Secretary, shall take appropriate action to enter into negotiations with other governments to make necessary arrangements for the protection of any national marine sanctuary and to promote the purposes for which the sanctuary is established.

(c) INTERNATIONAL COOPERATION.--The Secretary, in consultation with the Secretary of State and other appropriate Federal agencies, shall cooperate with other governments and international organizations in the furtherance of the purposes and policies of this title and consistent with applicable regional and multilateral arrangements for the protection and management of special marine areas.

Sec. 306. PROHIBITED ACTIVITIES

It is unlawful for any person to--

- (1) destroy, cause the loss of, or injure any sanctuary resource managed under law or regulations for that sanctuary;
- (2) possess, sell, offer for sale, purchase, import, export, deliver, carry, transport, or ship by any means any sanctuary resource taken in violation of this section;
- (3) interfere with the enforcement of this title by--
 - (A) refusing to permit any officer authorized to enforce this title to board a vessel, other than a vessel operated by the Department of Defense or United States Coast Guard, subject to such person's control for the purposes of conducting any search or inspection in connection with the enforcement of this title;
 - (B) resisting, opposing, impeding, intimidating, harassing, bribing, interfering with, or forcibly assaulting any person authorized by the Secretary to implement this title or any such authorized officer in the conduct of any search or inspection performed under this title; or

(C) knowingly and willfully submitting false information to the Secretary or any officer authorized to enforce this title in connection with any search or inspection conducted under this title; or

(4) violate any provision of this title or any regulation or permit issued pursuant to this title.

Sec. 307. ENFORCEMENT

(a) **IN GENERAL.**--The Secretary shall conduct such enforcement activities as are necessary and reasonable to carry out this title.

(b) **POWERS OF AUTHORIZED OFFICERS.**--Any person who is authorized to enforce this title may--

(1) board, search, inspect, and seize any vessel suspected of being used to violate this title or any regulation or permit issued under this title and any equipment, stores, and cargo of such vessel;

(2) seize wherever found any sanctuary resource taken or retained in violation of this title or any regulation or permit issued under this title;

(3) seize any evidence of a violation of this title or of any regulation or permit issued under this title;

(4) execute any warrant or other process issued by any court of competent jurisdiction;

(5) exercise any other lawful authority; and

(6) arrest any person, if there is reasonable cause to believe that such a person has committed an act prohibited by section 306(3).

(c) **CRIMINAL OFFENSES.**--

(1) **OFFENSES.**--A person is guilty of an offense under this subsection if the person commits any act prohibited by section 306(3).

(2) **PUNISHMENT.**--Any person that is guilty of an offense under this subsection--

(A) except as provided in subparagraph (B), shall be fined under title 18, United States Code, imprisoned for not more than 6 months, or both; or

(B) in the case of a person who in the commission of such an offense uses a dangerous weapon, engages in conduct that causes bodily injury to any person authorized to enforce this title or any person authorized to implement the provisions of this title, or places any such person in fear of imminent bodily injury, shall be fined under title 18, United States Code, imprisoned for not more than 10 years, or both.

(d) **CIVIL PENALTIES.**--

(1) Civil penalty.--Any person subject to the jurisdiction of the United States who violates this title or any regulation or permit issued under this title shall be liable to the United States for a civil penalty of not more than \$100,000 for each such violation, to be assessed by the Secretary. Each day of a continuing violation shall constitute a separate violation.

(2) Notice.--No penalty shall be assessed under this subsection until after the person charged has been given notice and an opportunity for a hearing.

(3) In Rem Jurisdiction.--A vessel used in violating this title or any regulation or permit issued under this title shall be liable in rem for any civil penalty assessed for such violation. Such penalty shall constitute a maritime lien on the vessel and may be recovered in an action in rem in the district court of the United States having jurisdiction over the vessel.

(4) Review of Civil Penalty.--Any person against whom a civil penalty is assessed under this subsection may obtain review in the United States district court for the appropriate district by filing a complaint in such court not later than 30 days after the date of such order.

(5) Collection of Penalties.--If any person fails to pay an assessment of a civil penalty under this section after it has become a final and unappealable order, or after the appropriate court has entered final judgment in favor of the Secretary, the Secretary shall refer the matter to the Attorney General, who shall recover the amount assessed in any appropriate district court of the United States. In such action, the validity and appropriateness of the final order imposing the civil penalty shall not be subject to review.

(6) Compromise or Other Action by Secretary.--The Secretary may compromise, modify, or remit, with or without conditions, any civil penalty which is or may be imposed under this section.

(e) FORFEITURE.--

(1) In General.--Any vessel (including the vessel's equipment, stores, and cargo) and other item used, and any sanctuary resource taken or retained, in any manner, in connection with or as a result of any violation of this title or of any regulation or permit issued under this title shall be subject to forfeiture to the United States pursuant to a civil proceeding under this subsection. The proceeds from forfeiture actions under this subsection shall constitute a separate recovery in addition to any amounts recovered as civil penalties under this section or as civil damages under section 312. None of those proceeds shall be subject to set-off.

(2) Application of the Customs Laws.--The Secretary may exercise the authority of any United States official granted by any relevant customs law relating to the seizure, forfeiture, condemnation, disposition, remission, and mitigation of property in enforcing this title.

(3) Disposal of Sanctuary Resources.--Any sanctuary resource seized pursuant to this title may be disposed of pursuant to an order of the appropriate court or, if perishable, in a manner prescribed by regulations promulgated by the Secretary. Any proceeds from the sale of such sanctuary resource shall for all purposes represent the sanctuary resource so disposed of in any subsequent legal proceedings.

(4) Presumption.--For the purposes of this section there is a rebuttable presumption that all sanctuary resources found on board a vessel that is used or seized in connection with a violation of this title or of any regulation or permit issued under this title were taken or retained in violation of this title or of a regulation or permit issued under this title.

(f) PAYMENT OF STORAGE, CARE, AND OTHER COSTS.--

(1) Expenditures.--

(A) Notwithstanding any other law, amounts received by the United States as civil penalties, forfeitures of property, and costs imposed under paragraph (2) shall be retained by the Secretary in the manner provided for in section 107(f)(1) of the Comprehensive Environmental Response, Compensation and Liability Act of 1980.

(B) Amounts received under this section for forfeitures and costs imposed under paragraph (2) shall be used to pay the reasonable and necessary costs incurred by the Secretary to provide temporary storage, care, maintenance, and disposal of any sanctuary resource or other property seized in connection with a violation of this title or any regulation or permit issued under this title.

(C) Amounts received under this section as civil penalties and any amounts remaining after the operation of subparagraph (B) shall be used, in order of priority, to--

(i) manage and improve the national marine sanctuary with respect to which the violation occurred that resulted in the penalty or forfeiture;

(ii) pay a reward to any person who furnishes information leading to an assessment of a civil penalty, or to a forfeiture of property, for a violation of this title or any regulation or permit issued under this title; and

(iii) manage and improve any other national marine sanctuary.

(2) Liability for Costs.--Any person assessed a civil penalty for a violation of this title or of any regulation or permit issued under this title, and any claimant in a forfeiture action brought for such a violation, shall be liable for the reasonable costs incurred by the Secretary in storage, care, and maintenance of any sanctuary resource or other property seized in connection with the violation.

(g) SUBPOENAS.--In the case of any hearing under this section which is determined on the record in accordance with the procedures provided for under section 554 of title 5, United States Code, the Secretary may issue subpoenas for the attendance and testimony of witnesses and the production of relevant papers, books, electronic files, and documents, and may administer oaths.

(h) USE OF RESOURCES OF STATE AND OTHER FEDERAL AGENCIES.—The Secretary shall, whenever appropriate, use by agreement the personnel, services, and facilities of State and other Federal departments, agencies, and instrumentalities, on a reimbursable or nonreimbursable basis, to carry out the Secretary's responsibilities under this section.

(i) COAST GUARD AUTHORITY NOT LIMITED.--Nothing in this section shall be considered to limit the authority of the Coast Guard to enforce this or any other Federal law under section 89 of title 14, United States Code.

(j) INJUNCTIVE RELIEF.--If the Secretary determines that there is an imminent risk of destruction or loss of or injury to a sanctuary resource, or that there has been actual destruction or loss of, or injury to, a sanctuary resource which may give rise to liability under section 312, the Attorney General, upon request of the Secretary, shall seek to obtain such relief as may be necessary to abate such risk or actual destruction, loss, or injury, or to restore or replace the sanctuary resource, or both. The district courts of the United States shall have jurisdiction in such a case to order such relief as the public interest and the equities of the case may require.

(k) AREA OF APPLICATION AND ENFORCEABILITY.--The area of application and enforceability of this title includes the territorial sea of the United States, as described in Presidential Proclamation 5928 of December 27, 1988, which is subject to the sovereignty of the United States, and the United States exclusive economic zone, consistent with international law.

(l) NATIONWIDE SERVICE OF PROCESS.- In any action by the United States under this title, process may be served in any district where the defendant is found, resides, transacts business, or has appointed an agent for the service of process.

Sec. 308. REGULATIONS

The Secretary may issue such regulations as may be necessary to carry out this title.

Sec. 309. RESEARCH, MONITORING, AND EDUCATION

(a) IN GENERAL- The Secretary shall conduct, support, or coordinate research, monitoring, evaluation, and education programs consistent with subsections (b) and (c) and the purposes and policies of this title.

(b) RESEARCH AND MONITORING.-

(1) IN GENERAL.- The Secretary may--

(A) support, promote, and coordinate research on, and long-term monitoring of, sanctuary resources and natural processes that occur in national marine sanctuaries, including exploration, mapping, and environmental and socioeconomic assessment;

(B) develop and test methods to enhance degraded habitats or restore damaged, injured, or lost sanctuary resources; and

(C) support, promote, and coordinate research on, and the conservation, curation, and public display of, the cultural, archeological, and historical resources of national marine sanctuaries.

(2) AVAILABILITY OF RESULTS.- The results of research and monitoring conducted, supported, or permitted by the Secretary under this subsection shall be made available to the public.

(c) EDUCATION-

(1) IN GENERAL.- The Secretary may support, promote, and coordinate efforts to enhance public awareness, understanding, and appreciation of national marine sanctuaries and the System. Efforts supported, promoted, or coordinated under this subsection must emphasize the conservation goals and sustainable public uses of national marine sanctuaries and the System.

(2) EDUCATIONAL ACTIVITIES.- Activities under this subsection may include education of the general public, teachers, students, national marine sanctuary users, and ocean and coastal resource managers.

(d) INTERPRETIVE FACILITIES.-

(1) IN GENERAL.- The Secretary may develop interpretive facilities near any national marine sanctuary.

(2) FACILITY REQUIREMENT.- Any facility developed under this subsection must emphasize the conservation goals and sustainable public uses of national marine sanctuaries by providing the public with information about the conservation, recreational, ecological, historical, cultural, archeological, scientific, educational, or aesthetic qualities of the national marine sanctuary.

(e) CONSULTATION AND COORDINATION.- In conducting, supporting, and coordinating research, monitoring, evaluation, and education programs under subsection (a) and developing interpretive facilities under subsection (d), the Secretary may consult or coordinate with Federal, interstate, or regional agencies, States or local governments.

Sec. 310. SPECIAL USE PERMITS

(a) ISSUANCE OF PERMITS.--The Secretary may issue special use permits which authorize the conduct of specific activities in a national marine sanctuary if the Secretary determines such authorization is necessary--

(1) to establish conditions of access to and use of any sanctuary resource; or

(2) to promote public use and understanding of a sanctuary resource.

(b) PUBLIC NOTICE REQUIRED.- The Secretary shall provide appropriate public notice before identifying any category of activity subject to a special use permit under subsection (a).

(c) PERMIT TERMS.--A permit issued under this section--

(1) shall authorize the conduct of an activity only if that activity is compatible with the purposes for which the sanctuary is designated and with protection of sanctuary resources;

(2) shall not authorize the conduct of any activity for a period of more than 5 years unless renewed by the Secretary;

(3) shall require that activities carried out under the permit be conducted in a manner that does not destroy, cause the loss of, or injure sanctuary resources; and

(4) shall require the permittee to purchase and maintain comprehensive general liability insurance, or post an equivalent bond, against claims arising out of activities conducted under the permit and to agree to hold the United States harmless against such claims.

(d) FEES.--

(1) Assessment and Collection.--The Secretary may assess and collect fees for the conduct of any activity under a permit issued under this section.

(2) Amount.--The amount of a fee under this subsection shall be equal to the sum of--

(A) costs incurred, or expected to be incurred, by the Secretary in issuing the permit;

(B) costs incurred, or expected to be incurred, by the Secretary as a direct result of the conduct of the activity for which the permit is issued, including costs of monitoring the conduct of the activity; and

(C) an amount which represents the fair market value of the use of the sanctuary resource.

(3) Use of Fees.--Amounts collected by the Secretary in the form of fees under this section may be used by the Secretary--

(A) for issuing and administering permits under this section; and

(B) for expenses of managing national marine sanctuaries.

(4) WAIVER OR REDUCTION OF FEES.- The Secretary may accept in-kind contributions in lieu of a fee under paragraph (2)(C), or waive or reduce any fee assessed under this subsection for any activity that does not derive a profit from the access to or use of sanctuary resources.

(e) VIOLATIONS.--Upon violation of a term or condition of a permit issued under this section, the Secretary may--

(1) suspend or revoke the permit without compensation to the permittee and without liability to the United States;

(2) assess a civil penalty in accordance with section 307; or

(3) both.

(f) REPORTS.--Each person issued a permit under this section shall submit an annual report to the Secretary not later than December 31 of each year which describes activities conducted under that permit and revenues derived from such activities during the year.

(g) FISHING.--Nothing in this section shall be considered to require a person to obtain a permit under this section for the conduct of any fishing activities in a national marine sanctuary.

Sec. 311. COOPERATIVE AGREEMENTS, DONATIONS, AND ACQUISITIONS

(a) AGREEMENTS AND GRANTS- The Secretary may enter into cooperative agreements, contracts, or other agreements with, or make grants to, States, local governments, regional agencies, interstate agencies, or other persons to carry out the purposes and policies of this title.

(b) AUTHORIZATION TO SOLICIT DONATIONS.--The Secretary may enter into such agreements with any nonprofit organization authorizing the organization to solicit private donations to carry out the purposes and policies of this title.

(c) DONATIONS.--The Secretary may accept donations of funds, property, and services for use in designating and administering national marine sanctuaries under this title. Donations accepted under this section shall be considered as a gift or bequest to or for the use of the United States.

(d) ACQUISITIONS.--The Secretary may acquire by purchase, lease, or exchange, any land, facilities, or other property necessary and appropriate to carry out the purposes and policies of this title

(e) USE OF RESOURCES OF OTHER GOVERNMENT AGENCIES.- The Secretary may, whenever appropriate, enter into an agreement with a State or other Federal agency to use the personnel, services, or facilities of such agency on a reimbursable or nonreimbursable basis, to assist in carrying out the purposes and policies of this title.

(f) AUTHORITY TO OBTAIN GRANTS.- Notwithstanding any other provision of law that prohibits a Federal agency from receiving assistance, the Secretary may apply for, accept, and use grants from other Federal agencies, States, local governments, regional agencies, interstate agencies, foundations, or other persons, to carry out the purposes and policies of this title.

Sec. 312. DESTRUCTION OR LOSS OF, OR INJURY TO, SANCTUARY RESOURCES

(a) LIABILITY FOR INTEREST.--

(1) Liability to UNITED STATES.--Any person who destroys, causes the loss of, or injures any sanctuary resource is liable to the United States for an amount equal to the sum of--

(A) the amount of response costs and damages resulting from the destruction, loss, or injury; and

(B) interests on that amount calculated in the manner described under section 1005 of the Oil Pollution Act of 1990.

(2) Liability In Rem.--Any vessel used to destroy, cause the loss of, or injure any sanctuary resource shall be liable in rem to the United States for response costs and damages resulting from such destruction, loss, or injury. The amount of that liability shall constitute a maritime lien on the vessel and may be recovered in an action in rem in the district court of the United States having jurisdiction over the vessel.

(3) Defenses.--A person is not liable under this subsection if that person establishes that--

(A) the destruction or loss of, or injury to, the sanctuary resource was caused solely by an act of God, an act of war, or an act or omission of a third party, and the person acted with due care;

(B) the destruction, loss, or injury was caused by an activity authorized by Federal or State law; or

(C) the destruction, loss, or injury was negligible.

(4) Limits to Liability.--Nothing in sections 4281-4289 of the Revised Statutes of the United States or section 3 of the Act of February 13, 1893, shall limit the liability of any person under this title.

(b) RESPONSE ACTIONS AND DAMAGE ASSESSMENT.--

(1) Response Actions.--The Secretary may undertake or authorize all necessary actions to prevent or minimize the destruction or loss of, or injury to, sanctuary resources, or to minimize the imminent risk of such destruction, loss, or injury.

(2) Damage Assessment.--The Secretary shall assess damages to sanctuary resources in accordance with section 302(6).

(c) CIVIL ACTIONS FOR RESPONSE COSTS AND DAMAGES.--

(1) The Attorney General, upon request of the Secretary, may commence a civil action against any person or vessel who may be liable under subsection (a) for response costs and damages. The Secretary, acting as trustee for sanctuary resources for the United States, shall submit a request for such an action to the Attorney General whenever a person may be liable for such costs or damages.

(2) An action under this subsection may be brought in the United States district court for any district in which--

(A) the defendant is located, resides, or is doing business, in the case of an action against a person;

(B) the vessel is located, in the case of an action against a vessel; or

(C) the destruction of, loss of, or injury to a sanctuary resource occurred.

(d) USE OF RECOVERED AMOUNTS.--Response costs and damages recovered by the Secretary under this section shall be retained by the Secretary in the manner provided for in section 107(f)(1) of the Comprehensive Environmental Response, Compensation and Liability Act (42 U.S.C. 9607(f)(1)), and used as follows:

(1) RESPONSE COSTS.--Amounts recovered by the United States for costs of response actions and damage assessments under this section shall be used, as the Secretary considers appropriate--

(A) to reimburse the Secretary or any other Federal or State agency that conducted those activities; and

(B) after reimbursement of such costs, to restore, replace, or acquire the equivalent of any sanctuary resource.

(2) OTHER AMOUNTS.--All other amounts recovered shall be used, in order of priority--

(A) to restore, replace, or acquire the equivalent of the sanctuary resources that were the subject of the action, including for costs of monitoring and the costs of curation and conservation of archeological, historical, and cultural sanctuary resources;

(B) to restore degraded sanctuary resources of the national marine sanctuary that was the subject of the action, giving priority to sanctuary resources and habitats that are comparable to the sanctuary resources that were the subject of the action; and

(C) to restore degraded sanctuary resources of other national marine sanctuaries.

(3) Federal-State Coordination.--Amounts recovered under this section with respect to sanctuary resources lying within the jurisdiction of a State shall be used under paragraphs (2)(A) and (B) in accordance with the court decree or settlement agreement and an agreement entered into by the Secretary and the Governor of that State.

(e) STATUTE OF LIMITATIONS.--An action for response costs or damages under subsection (c) shall be barred unless the complaint is filed within 3 years after the date on which the Secretary completes a damage assessment and restoration plan for the sanctuary resources to which the action relates.

SEC. 313. AUTHORIZATION OF APPROPRIATIONS

There are authorized to be appropriated to the Secretary--

(1) to carry out this title--

(A) \$32,000,000 for fiscal year 2001;

(B) \$34,000,000 for fiscal year 2002;

(C) \$36,000,000 for fiscal year 2003;

(D) \$38,000,000 for fiscal year 2004;

(E) \$40,000,000 for fiscal year 2005; and

(2) for construction projects at national marine sanctuaries, \$6,000,000 for each of fiscal years 2001, 2002, 2003, 2004, and 2005.

Sec. 314. U.S.S. MONITOR ARTIFACTS AND MATERIALS

(a) CONGRESSIONAL POLICY.--In recognition of the historical significance of the wreck of the United States ship Monitor to coastal North Carolina and to the area off the coast of North Carolina known as the Graveyard of the Atlantic, the Congress directs that a suitable display of artifacts and materials from the United States ship Monitor be maintained permanently at an appropriate site in coastal North Carolina. [P.L. 102-587 authorized a grant for the acquisition of space in Hatteras Village, NC, for display of artifacts and administration and operations of the Monitor National Marine Sanctuary.

(b) DISCLAIMER.--This section shall not affect the following:

(1) Responsibilities Of Secretary.--The responsibilities of the Secretary to provide for the protection, conservation, and display of artifacts and materials from the United States ship Monitor.

(2) Authority Of Secretary.--The authority of the Secretary to designate the Mariner's Museum, located at Newport News, Virginia, as the principal museum for coordination of activities referred to in paragraph (1).

Sec. 315. ADVISORY COUNCILS

(a) ESTABLISHMENT.--The Secretary may establish one or more advisory councils (in this section referred to as an 'Advisory Council') to advise and make recommendations to the Secretary regarding the designation and management of national marine sanctuaries. The Advisory Councils shall be exempt from the Federal Advisory Committee Act.

(b) MEMBERSHIP.--Members of the Advisory Councils may be appointed from among--

(1) persons employed by Federal or State agencies with expertise in management of natural resources;

(2) members of relevant Regional Fishery Management Councils established under section 302 of the Magnuson-Stevens Act; and

(3) representatives of local user groups, conservation and other public interest organizations, scientific organizations, educational organizations, or others interested in the protection and multiple use management of sanctuary resources.

(c) LIMITS ON MEMBERSHIP.--For sanctuaries designated after the date of enactment of the National Marine Sanctuaries Program Amendments Act of 1992, the membership of Advisory Councils shall be limited to no more than 15 members.

(d) STAFFING AND ASSISTANCE.--The Secretary may make available to an Advisory Council any staff, information, administrative services, or assistance the Secretary determines are reasonably required to enable the Advisory Council to carry out its functions.

(e) PUBLIC PARTICIPATION AND PROCEDURAL MATTERS.--The following guidelines apply with respect to the conduct of business meetings of an Advisory Council:

- (1) Each meeting shall be open to the public, and interested persons shall be permitted to present oral or written statements on items on the agenda.
- (2) Emergency meetings may be held at the call of the chairman or presiding officer.
- (3) Timely notice of each meeting, including the time, place, and agenda of the meeting, shall be published locally and in the Federal Register, except that in the case of a meeting of an Advisory Council established to provide assistance regarding any individual national marine sanctuary the notice is not required to be published in the Federal Register.
- (4) Minutes of each meeting shall be kept and contain a summary of the attendees and matters discussed.

Sec. 316. ENHANCING SUPPORT FOR NATIONAL MARINE SANCTUARIES

(a) **AUTHORITY.**--The Secretary may establish a program consisting of--

- (1) the creation, adoption, and publication in the Federal Register by the Secretary of a symbol for the national marine sanctuary program, or for individual national marine sanctuaries or the System;
- (2) the solicitation of persons to be designated as official sponsors of the national marine sanctuary program or of individual national marine sanctuaries;
- (3) the designation of persons by the Secretary as official sponsors of the national marine sanctuary program or of individual sanctuaries;
- (4) the authorization by the Secretary of the manufacture, reproduction, or other use of any symbol published under paragraph (1), including the sale of items bearing such a symbol, by official sponsors of the national marine sanctuary program or of individual national marine sanctuaries;
- (5) the creation, marketing, and selling of products to promote the national marine sanctuary program, and entering into exclusive or nonexclusive agreements authorizing entities to create, market or sell on the Secretary's behalf;
- (6) the solicitation and collection by the Secretary of monetary or in-kind contributions from official sponsors for the manufacture, reproduction or use of the symbols published under paragraph (1);
- (7) the retention of any monetary or in-kind contributions collected under paragraphs (5) and (6) by the Secretary; and
- (8) the expenditure and use of any monetary and in-kind contributions, without appropriation, by the Secretary to designate and manage national marine sanctuaries.

Monetary and in-kind contributions raised through the sale, marketing, or use of symbols and products related to an individual national marine sanctuary shall be used to support that sanctuary.

(b) **CONTRACT AUTHORITY.**--The Secretary may contract with any person for the creation of symbols or the solicitation of official sponsors under subsection (a).

(c) **RESTRICTIONS.**--The Secretary may restrict the use of the symbols published under subsection (a), and the designation of official sponsors of the national marine sanctuary program or of individual national marine sanctuaries to ensure compatibility with the goals of the national marine sanctuary program.

(d) **PROPERTY OF UNITED STATES.**-- Any symbol which is adopted by the Secretary and published in the Federal Register under subsection (a) is deemed to be the property of the United States.

(e) **PROHIBITED ACTIVITIES.**--It is unlawful for any person--

(1) designated as an official sponsor to influence or seek to influence any decision by the Secretary or any other Federal official related to the designation or management of a national marine sanctuary, except to the extent that a person who is not so designated may do so;

(2) to represent himself or herself to be an official sponsor absent a designation by the Secretary;

(3) to manufacture, reproduce, or otherwise use any symbol adopted by the Secretary under subsection (a)(1), including to sell any item bearing such a symbol, unless authorized by the Secretary under subsection (a)(4) or subsection (f); or

(4) to violate any regulation promulgated by the Secretary under this section.

(f) **COLLABORATIONS.**--The Secretary may authorize the use of a symbol adopted by the Secretary under subsection (a)(1) by any person engaged in a collaborative effort with the Secretary to carry out the purposes and policies of this title and to benefit a national marine sanctuary or the System.

(g) **AUTHORIZATION FOR NON-PROFIT PARTNER ORGANIZATION TO SOLICIT SPONSORS.**--

(1) **IN GENERAL.**--The Secretary may enter into an agreement with a non-profit partner organization authorizing it to assist in the administration of the sponsorship program established under this section. Under an agreement entered into under this paragraph, the Secretary may authorize the non-profit partner organization to solicit persons to be official sponsors of the national marine sanctuary system or of individual national marine sanctuaries, upon such terms as the Secretary deems reasonable and will contribute to the successful administration of the sanctuary system. The Secretary may also authorize the non-profit partner organization to collect the statutory contribution from the sponsor, and, subject to paragraph (2), transfer the contribution to the Secretary.

(2) REIMBURSEMENT FOR ADMINISTRATIVE COSTS.--Under the agreement entered into under paragraph (1), the Secretary may authorize the non-profit partner organization to retain not more than 5 percent of the amount of monetary contributions it receives from official sponsors under the agreement to offset the administrative costs of the organization in soliciting sponsors.

(3) PARTNER ORGANIZATION DEFINED.--In this subsection, the term 'partner organization' means an organization that--

(A) draws its membership from individuals, private organizations, corporation, academic institutions, or State and local governments; and

(B) is established to promote the understanding of, education relating to, and the conservation of the resources of a particular sanctuary or 2 or more related sanctuaries.

Sec. 318. DR. NANCY FOSTER SCHOLARSHIP PROGRAM

(a) ESTABLISHMENT.--The Secretary shall establish and administer through the National Ocean Service the Dr. Nancy Foster Scholarship Program. Under the program, the Secretary shall award graduate education scholarships in oceanography, marine biology or maritime archeology, to be known as Dr. Nancy Foster Scholarships.

(b) PURPOSES.--The purposes of the Dr. Nancy Foster Scholarship Program are--

(1) to recognize outstanding scholarship in oceanography, marine biology, or maritime archeology, particularly by women and members of minority groups; and

(2) to encourage independent graduate level research in oceanography, marine biology, or maritime archeology.

(c) AWARD.--Each Dr. Nancy Foster Scholarship--

(1) shall be used to support graduate studies in oceanography, marine biology, or maritime archeology at a graduate level institution of higher education; and

(2) shall be awarded in accordance with guidelines issued by the Secretary.

(d) DISTRIBUTION OF FUNDS.--The amount of each Dr. Nancy Foster Scholarship shall be provided directly to a recipient selected by the Secretary upon receipt of certification that the recipient will adhere to a specific and detailed plan of study and research approved by a graduate level institution of higher education.

(e) FUNDING.--Of the amount available each fiscal year to carry out this title, the Secretary shall award 1 percent as Dr. Nancy Foster Scholarships.

(f) SCHOLARSHIP REPAYMENT REQUIREMENT.--The Secretary shall require an individual receiving a scholarship under this section to repay the full amount of the scholarship to the Secretary if the Secretary determines that the individual, in obtaining or using the

scholarship, engaged in fraudulent conduct or failed to comply with any term or condition of the scholarship.

(g) MARITIME ARCHEOLOGY DEFINED.--In this section the term `maritime archeology' includes the curation, preservation, and display of maritime artifacts.

Appendix IIIG: Species List

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The following lists of vertebrate species occurring in Cordell Bank National Marine Sanctuary (CBNMS) have been compiled from species lists created for Gulf of the Farallones National Marine Sanctuary (GFNMS). In addition to common and scientific names of each specific taxon, the lists include information or data on federal listed status, estimated population size, population trend, seasonal and geographical distribution, longevity, and age of first breeding. A "Habitat Importance" designation is also given which reflects the importance of the sanctuary to that particular species. This designation is based on (1) the abundance of the species within the sanctuary, (2) the proportion of the overall range or population that occurs in the sanctuary, and (3) the importance of the sanctuary to breeding individuals.

Taxonomic classification, phylogenetic order, and all other information are according to references used for each class of vertebrates listed below. Each class has slightly differing criteria for acceptance to the list. For mammals the list includes all marine species, including vagrants that have been recorded within sanctuary waters. For birds the list includes all marine species, including vagrants that have been recorded in sanctuary waters. For reptiles and fish the lists include those species recorded in the sanctuary plus others suspected of occurring based on records both north and south of the sanctuary, but for which no definite records are currently known. Species just suspected of occurring in sanctuary waters are marked with a "?" in the GC column (see abbreviation codes below).

The headings of the vertebrate lists include the following categories:

GC – Which sanctuary has the species been recorded:

B - Both Gulf of the Farallones and Cordell Bank NMS

? - Suspected of occurring based on range but lacking documented records

COMMON NAME - The common (English) name of the species.

SCIENTIFIC NAME - The scientific (Latin) name of the species.

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FS – The Federal listed status as of January 2004 (as found at //ecos.fws.gov/webpage/webpage_vip_listed.html). These designations are given if any population or subspecies occurring in the sanctuary is so listed.

- E – Endangered
- T – Threatened
- SC – Species of Concern: may be endangered or threatened; not enough information has been gathered to support listing at this time.
- C – Candidate: to become a proposed species for listing as endangered or threatened.
- D – Delisted; to be monitored for 5 years.

POPEST – The estimated population size in a given location (LOCA, see below). When numbers are given they represent 1000's of individuals. When no population estimates are available the terms "Common," "Uncommon," and "Rare" are used as general indicators of the worldwide population size.

LOCA - The geographic location (area) for which the population estimate applies, as follows:

- World – World
- N.Am – North America
- Pacif – Pacific Ocean or Pacific North American Coast
- Calif – California

HI – The "Habitat Importance" of the NMS to the species (see introduction). Codes are as follows:

- E – Extremely Important
 - V – Very Important
 - S – Somewhat Important
- No designation indicates the NMS is of little importance.

VERTEBRATES

Birds					
COMMON NAME	SCIENTIFIC NAME	FED STATUS	POP. ESTIMATE	LOCATION OF POP EST	HI
Red-throated Loon	<i>Gavia stellata</i>		25	N.Am	V
Pacific Loon	<i>Gavia pacifica</i>		50	World	E
Common Loon	<i>Gavia immer</i>	SC	500	N.Am	V
Red-necked Grebe	<i>Podiceps grisegena</i>		45	N.Am	V
Laysan Albatross	<i>Phoebastria immutabilis</i>		2600	World	S
Black-footed Albatross	<i>Phoebastria nigripes</i>		200	World	E
Short-tailed Albatross	<i>Phoebastria albatrus</i>	E	1	World	S

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Birds					
COMMON NAME	SCIENTIFIC NAME	FED STATUS	POP. ESTIMATE	LOCATION OF POP EST	HI
Northern Fulmar	<i>Fulmarus glacialis</i>		1400	Pacif	E
Murphy's Petrel	<i>Pterodroma ultima</i>		Uncommon		S
Mottled Petrel	<i>Pterodroma inexpectata</i>		Uncommon		S
Dark-rumped Petrel	<i>Pterodroma phaeopygia</i>	E	70	World	
Pink-footed Shearwater	<i>Puffinus creatopus</i>		Common		E
Flesh-footed Shearwater	<i>Puffinus carneipes</i>		Uncommon		V
Buller's Shearwater	<i>Puffinus bulleri</i>		Uncommon		E
Sooty Shearwater	<i>Puffinus griseus</i>		Common		E
Short-tailed Shearwater	<i>Puffinus tenuirostris</i>		Common		E
Manx Shearwater	<i>Puffinus puffinus</i>		1000	World	
Black-vented Shearwater	<i>Puffinus opisthomelas</i>		30	World	V
Wilson's Storm-Petrel	<i>Oceanites oceanicus</i>		Common		
Fork-tailed Storm-Petrel	<i>Oceanodroma furcata</i>		1	Calif	V
Leach's Storm-Petrel	<i>Oceanodroma leucorhoa</i>		20	Calif	V
Ashy Storm-Petrel	<i>Oceanodroma homochroa</i>	SC	7.5	Calif	E
Black Storm-Petrel	<i>Oceanodroma melania</i>		Uncommon		
Brown Pelican	<i>Pelecanus occidentalis</i>	E	150	Pacif	E
Brandt's Cormorant	<i>Phalacrocorax penicillatus</i>		125	Calif	E
Double-crested Cormorant	<i>Phalacrocorax auritus</i>		10	Calif	V
Pelagic Cormorant	<i>Phalacrocorax pelagicus</i>		25	Calif	E
Magnificent Frigatebird	<i>Fregata magnificens</i>		Common		
Brant	<i>Branta bernicla</i>		50	Pacif	E
Surf Scoter	<i>Melanitta perspicillata</i>		536	Pacif	E
Red-necked Phalarope	<i>Phalaropus lobatus</i>		2500	N.Am	E
Red Phalarope	<i>Phalaropus fulicaria</i>		1000	N.Am	E
South Polar Skua	<i>Catharacta maccormicki</i>		Uncommon		V
Pomarine Jaeger	<i>Stercorarius pomarinus</i>		Common		E
Parasitic Jaeger	<i>Stercorarius parasiticus</i>		Common		E
Long-tailed Jaeger	<i>Stercorarius longicaudus</i>		250	World	V
Bonaparte's Gull	<i>Larus philadelphia</i>		Uncommon		V
Heermann's Gull	<i>Larus heermanni</i>		1500	World	E
Mew Gull	<i>Larus canus</i>		Uncommon		E
California Gull	<i>Larus californicus</i>		Common		E
Herring Gull	<i>Larus argentatus</i>		500	N.Am	V
Thayer's Gull	<i>Larus thayeri</i>		Uncommon		V
Western Gull	<i>Larus occidentalis</i>		60	Calif	E
Glaucous-winged Gull	<i>Larus glaucescens</i>		200	N.Am	E
Glaucous Gull	<i>Larus hyperboreus</i>		Uncommon		S
Sabine's Gull	<i>Xema sabini</i>		Uncommon		V
Black-legged Kittiwake	<i>Rissa tridactyla</i>		2600	Pacif	V

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Birds					
COMMON NAME	SCIENTIFIC NAME	FED STATUS	POP. ESTIMATE	LOCATION OF POP EST	HI
Caspian Tern	<i>Sterna caspia</i>		35	N.Am	E
Elegant Tern	<i>Sterna elegans</i>		29	World	E
Common Tern	<i>Sterna hirundo</i>		100	N.Am	V
Arctic Tern	<i>Sterna paradisaea</i>		Common		V
Forster's Tern	<i>Sterna forsteri</i>		400	World	E
Common Murre	<i>Uria aalge</i>		800	Calif	E
Pigeon Guillemot	<i>Cephus columba</i>		30	Calif	E
Marbled Murrelet	<i>Brachyramphus marmoratus</i>	T	6.5	Calif	E
Xantus's Murrelet	<i>Synthliboramphus hypoleucus</i>	SC	8	World	S
Craveri's Murrelet	<i>Synthliboramphus craveri</i>		Rare		S
Ancient Murrelet	<i>Synthliboramphus antiquus</i>		1200	World	V
Cassin's Auklet	<i>Ptychoramphus aleuticus</i>	SC	75	Calif	E
Parakeet Auklet	<i>Aethia psittacula</i>		3000	World	
Rhinoceros Auklet	<i>Cerorhinca monocerata</i>		5	Calif	E
Horned Puffin	<i>Fratercula corniculata</i>		Common		S
Tufted Puffin	<i>Fratercula cirrhata</i>		0.7	Calif	E

Mammals					
COMMON NAME	SCIENTIFIC NAME	FEDERAL STATUS	POPEST	LOCA	HI
Blue Whale	<i>Balaenoptera musculus</i>	E	2	Pacif	E
Fin Whale	<i>Balaenoptera physalus</i>	E	1.2	C,O,W	S
Sei Whale	<i>Balaenoptera borealis</i>	E	rare	Pacif	S
Minke Whale	<i>Balaenoptera acutorostrata</i>		0.6	Calif	V
Humpback Whale	<i>Megaptera novaeangliae</i>	E	6	Pacif	E
Gray Whale	<i>Eschrichtius robustus</i>	D	26	World	V
Northern Right Whale	<i>Eubalaena glacialis</i>	E	0.2	Pacif	S
Harbor Porpoise	<i>Phocoena phocoena</i>		16.7	Cent-No. Ca	E
Dall's Porpoise	<i>Phocoenoides dalli</i>		117.5	C,O,W	E
Pacific White-sided Dolphin	<i>Lagenorhynchus obliquidens</i>		25.8	C,O,W	E
Northern Right Whale Dolphin	<i>Lissodelphis borealis</i>		13.7	C,O,W	E
Long-beaked Common Dolphin	<i>Delphinus capensis</i>		Common	C,O,W	S
Striped Dolphin	<i>Stenella coeruleoalba</i>		20.2	C,O,W	
Risso's Dolphin	<i>Grampus griseus</i>		16.5	C,O,W	V

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Mammals					
COMMON NAME	SCIENTIFIC NAME	FEDERAL STATUS	POPEST	LOCA	HI
Killer Whale	<i>Orcinus orca</i>		1	C,O,W	V
Short-finned Pilot Whale	<i>Globicephala macrorhynchus</i>		60	World	
Sperm Whale	<i>Physeter macrocephalus</i>	E	1800	World	S
Pigmy Sperm Whale	<i>Kogia breviceps</i>		Uncommon		S
Dwarf Sperm Whale	<i>Kogia simus</i>		Rare		S
Cuvier's Beaked Whale	<i>Ziphius cavirostris</i>		Uncommon		V
Baird's Beaked Whale	<i>Berardius bairdii</i>		Rare		V
Hubb's Beaked Whale	<i>Mesoplodon calrhubbisi</i>		Rare		S
Blainsville's Beaked Whale	<i>Mesoplodon densirostris</i>		Rare		S
Steller Sea Lion	<i>Eumetopius jubatus</i>	T	0.4	Calif	E
California Sea Lion	<i>Zalophus californianus</i>		214	C,O,W	V
Northern Fur Seal	<i>Callorhinus ursinus</i>		4.3	Calif	V
Northern Elephant Seal	<i>Mirounga angustirostris</i>		84	Calif	E
Harbor Seal	<i>Phoca vitulina</i>		28	Calif	E

Fish						
GC	COMMON NAME	SCIENTIFIC NAME	FED STATU S	POPEST	LOCA	HI
?	Black Hagfish	<i>Eptatretus deani</i>				
?	Western River Lamprey	<i>Lampetra ayersii</i>		Uncommon	Pacif	
?	Prickly Shark	<i>Echinorhinus cookei</i>		Uncommon	Pacif	
?	Broad skate	<i>Amblyraja badia</i>				
?	Diamond Stingray	<i>Dasyatis dipterura</i>		Common	Pacif	
?	Round Stingray	<i>Urolophus halleri</i>		Common	Pacif	
?	Pacific Snake Eel	<i>Ophichthus triserialis</i>		Rare	Pacif	
?	Yellow Snake Eel	<i>Ophichthus zaphochir</i>		Rare	Pacif	
?	Pacific Herring	<i>Clupea pallasii</i>		Common	Pacif	E
?	Pacific Argentine	<i>Argentina sialis</i>		Uncommon	Pacif	E
?	Popeye Blacksmelt	<i>Lipolagus ochotensis</i>		Uncommon	Pacif	
?	Robust Blacksmelt	<i>Pseudobathylagus milleri</i>		Uncommon	Pacif	E
?	Surf Smelt	<i>Hypomesus pretiosus</i>		Common	Pacif	E
?	Pink Salmon	<i>Oncorhynchus gorbuscha</i>		Uncommon	Pacif	
?	Sockeye Salmon	<i>Oncorhynchus nerka</i>		Rare	Pacif	
?	Chinook Salmon	<i>Oncorhynchus tshawytscha</i>	E & T regional	Common	Pacif	E
?	Spurred Hatchetfish	<i>Argyropelecus hemigymnus</i>		Uncommon	Pacif	
?	Silvery Hatchetfish	<i>Argyropelecus sladeni</i>		Uncommon	Pacif	V
?	Highfin Dragonfish	<i>Bathophilus flemingi</i>		Uncommon	Pacif	
?	Longfin Dragonfish	<i>Tactostoma macropus</i>		Uncommon	Pacif	E

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	Fish					
GC	COMMON NAME	SCIENTIFIC NAME	FED STATU S	POPEST	LOCA	HI
?	California Lizardfish	<i>Synodus lucioceps</i>		Uncommon	Pacif	S
?	Slender Barricudina	<i>Lestidium ringens</i>		Uncommon	Pacif	E
?	California Flashlightfish	<i>Protomyctophum crockeri</i>		Uncommon	Pacif	V
?	California Grenadier	<i>Nezumia stelgidolepis</i>		Uncommon	Pacif	E
?	Finescale Codling	<i>Antimora microlepis</i>		Uncommon	Pacif	E
?	Crested Bigscale	<i>Poromitra crassiceps</i>		Uncommon	Pacif	
?	Longjaw Bigscale	<i>Scopeloberyx robustus</i>				
?	Twospine Bigscale	<i>Scopelogadus mizolepis</i>		Uncommon	Pacif	V
?	Oxeye oreo	<i>Allocyttus folletti</i>				
?	Tubesnout	<i>Aulorhynchus flavidus</i>		Uncommon	Pacif	
?	Threespine Stickleback	<i>Gasterosteus aculeatus</i>		Common	Pacif	E
?	Bay Pipefish	<i>Syngnathus leptorhynchus</i>		Common	Pacif	V
?	Rougheye Rockfish	<i>Sebastes aleutianus</i>				
?	Greenspotted rockfish	<i>Sebastes chlorostictus</i>				
?	Calico Rockfish	<i>Sebastes dallii</i>		Common	Pacif	V
?	Tiger Rockfish	<i>Sebastes nigrocinctus</i>				
?	Chameleon Rockfish	<i>Sebastes phillipsi</i>				
?	Sablefish	<i>Anoplopoma fimbria</i>		Common	Pacif	E
?	Shortspine Combfish	<i>Zaniolepis frenata</i>		Uncommon	Pacif	V
?	Saddleback Sculpin	<i>Oligocottus rimensis</i>		Common	Pacif	V
?	Northern Spearnose Poacher	<i>Agonopsis vulsa</i>		Uncommon	Pacif	V
?	Warty Poacher	<i>Chesnonia verrucosa</i>		Common	Pacif	V
?	Tube-nose Poacher	<i>Pallasina barbata</i>				
?	Smooth-eye Poacher	<i>Xeneretmus leiops</i>				
?	White Suckerfish	<i>Remora albescent</i>		Rare	Pacif	
?	Remora	<i>Remora remora</i>		Uncommon	Pacif	V
?	Señorita	<i>Oxyjulis californica</i>		Common	Pacif	S
?	Blackmouth Eelpout	<i>Lycodapus fierasfer</i>		Rare	Pacif	
?	Pallid Eelpout	<i>Lycodapus mandibularis</i>		Rare	Pacif	E
?	Bigfin Eelpout	<i>Lycodes cortezianus</i>		Common	Pacif	E
?	Black Eelpout	<i>Lycodes diapterus</i>		Common	Pacif	E
?	Sixspot Prickleback	<i>Kasatkia seigeli</i>				
?	Pacific Sand Lance	<i>Ammodytes hexapterus</i>		Common	Pacif	V
?	Ragfish	<i>Icosteus aenigmaticus</i>		Uncommon	Pacif	V
?	Louvar	<i>Luvarus imperialis</i>		Uncommon	Pacif	V
?	Pacific Chub Mackerel	<i>Scomber japonicus</i>		Common	Pacif	E
?	Pacific Pompano	<i>Peprilus simillimus</i>		Common	Pacif	E
?	Roughscale Sole	<i>Clidoderma asperrimum</i>				
?	Flathead Sole	<i>Hippoglossoides elassodon</i>				
?	Oceanic Pufferfish	<i>Lagocephalus lagocephalus</i>		Rare	Pacif	V
B	Pacific Hagfish	<i>Eptatretus stoutii</i>		Common	Pacif	V

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	Fish					
GC	COMMON NAME	SCIENTIFIC NAME	FED STATU S	POPEST	LOCA	HI
B	Pacific Lamprey	<i>Lamprera tridentata</i>	SC	Common	Pacif	E
B	Spotted Ratfish	<i>Hydrolagus colliei</i>		Common	Pacif	E
B	Bluntnose Sixgill Shark	<i>Hexanchus griseus</i>		Common	Pacif	E
B	Broadnose Sevengill Shark	<i>Notorynchus cepedianus</i>		Common	Pacif	V
B	Spiny Dogfish	<i>Squalus acanthias</i>		Common	Pacif	E
B	Pacific Sleeper Shark	<i>Somniosus pacificus</i>		Uncommon	Pacif	V
B	White Shark	<i>Carcharodon carcharias</i>		Uncommon	Pacif	E
B	Shortfin Mako	<i>Isurus oxyrinchus</i>		Uncommon	Pacif	V
B	Salmon Shark	<i>Lamna ditropis</i>		Uncommon	Pacif	E
B	Brown Catshark	<i>Apristurus brunneus</i>		Uncommon	Pacif	E
B	Longnose Catshark	<i>Apristurus kampae</i>		Rare	Pacif	E
B	Filetail Catshark	<i>Parmaturus xaniurus</i>		Uncommon	Pacif	E
B	Brown Smoothhound	<i>Mustelus henlei</i>		Common	Pacif	E
B	Pacific Electric Ray	<i>Torpedo californica</i>		Common	Pacif	E
B	Deepsea Skate	<i>Bathyrāja abyssicola</i>		Rare	Pacif	E
B	Sandpaper Skate	<i>Bathyrāja interrupta</i>		Rare	Pacif	E
B	White Skate	<i>Bathyrāja spinosissima</i>		Rare	Pacif	V
B	Black Skate	<i>Bathyrāja trachura</i>		Uncommon	Pacif	E
B	Big Skate	<i>Raja binoculata</i>		Common	Pacif	E
B	California Skate	<i>Raja inornata</i>		Uncommon	Pacif	E
B	Longnose Skate	<i>Raja rhina</i>		Common	Pacif	E
B	Starry Skate	<i>Raja stellulata</i>		Uncommon	Pacif	E
B	White Sturgeon	<i>Acipenser transmontanus</i>	E	Common	Pacif	V
B	Bonefish	<i>Albula vulpes</i>		Uncommon	Pacif	
B	Slender Snipe Eel	<i>Nemichthys scolopaceus</i>		Uncommon	Pacif	V
B	Sawtooth Snipe Eel	<i>Serrivomer sector</i>		Rare	Pacif	E
B	Northern Anchovy	<i>Engraulis mordax</i>		Common	Pacif	E
B	American Shad	<i>Alosa sapidissima</i>		Common	Pacif	E
B	Pacific Sardine	<i>Sardinops sagax</i>		Common	Pacif	E
B	California Smoothtongue	<i>Leuroglossus stilbius</i>		Common	Pacif	E
B	Pacific Barreleye	<i>Macropinna microstoma</i>		Uncommon	Pacif	
B	California Slickhead	<i>Alepocephalus tenebrosus</i>		Uncommon	Pacif	E
B	Threadfin Slickhead	<i>Talismania bifurcata</i>		Rare	Pacif	E
B	Whitebait Smelt	<i>Allosmerus elongatus</i>		Uncommon	Pacif	E
B	Night Smelt	<i>Spirinchus starksi</i>		Common	Pacif	V
B	Longfin Smelt	<i>Spirinchus thaleichthys</i>	SC	Common	Pacif	V
B	Chum Salmon	<i>Oncorhynchus keta</i>	T	Uncommon	Pacif	
B	Coho Salmon [Silver Salmon]	<i>Oncorhynchus kisutch</i>	T	Common	Pacif	E
B	Rainbow Trout [Steelhead]	<i>Oncorhynchus mykiss</i>	E & T regional	Common	Pacif	E
B	Bigeye Lightfish	<i>Daphnos oculatus</i>		Uncommon	Pacif	

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	Fish					
GC	COMMON NAME	SCIENTIFIC NAME	FED STATU S	POPEST	LOCA	HI
B	Silver Hatchetfish	<i>Argyropelecus lychnus</i>		Uncommon	Pacif	V
B	Dollar Hatchetfishes	<i>Sternoptyx spp.</i>		Uncommon	Pacif	
B	Pacific Viperfish	<i>Chauliodus macouni</i>		Uncommon	Pacif	E
B	Daggertooth	<i>Anotopterus pharao</i>		Uncommon	Pacif	
B	Longnose Lancetfish	<i>Alepisaurus ferox</i>		Uncommon	Pacif	
B	Northern Lampfish	<i>Stenobranchius leucopsaurus</i>		Uncommon	Pacif	V
B	Blue Lanternfish	<i>Tarletonbaenia crenularis</i>		Uncommon	Pacif	E
B	Mexican Lampfish	<i>Triphoturus mexicanus</i>		Uncommon	Pacif	S
B	Spotted Cusk Eel	<i>Chilara taylori</i>		Common	Pacif	E
B	Red Brotula	<i>Brosomphycis marginata</i>		Common	Pacif	V
B	Giant Grenadier	<i>Albatrossia pectoralis</i>		Rare	Pacif	E
B	Shoulderspot Grenadier	<i>Coelorinchus scaphopsis</i>		Rare	Pacif	E
B	Pacific Grenadier	<i>Coryphaenoides acrolepis</i>		Uncommon	Pacif	E
B	Hundred-Fathom Codling	<i>Physiculus rastrelliger</i>		Uncommon	Pacif	
B	Pacific Hake	<i>Merluccius productus</i>		Common	Pacif	E
B	Pacific Cod	<i>Gadus microcephalus</i>		Uncommon	Pacif	V
B	Pacific Tomcod	<i>Microgadus proximus</i>		Common	Pacif	E
B	Walleye Pollock	<i>Theragra chalcogramma</i>		Rare	Pacif	V
B	Plainfin Midshipman	<i>Porichthys notatus</i>		Common	Pacif	E
B	California Grunion	<i>Leuresthes tenuis</i>		Common	Pacif	S
B	Highsnout Bigscale	<i>Melamphaes lugubris</i>		Rare	Pacif	E
B	Fangtooth	<i>Anoplogaster cornuta</i>		Rare	Pacif	E
B	Snubnose Pipefish	<i>Cosmocampus arctus</i>		Uncommon	Pacif	V
B	Pacific Ocean Perch	<i>Sebastes alutus</i>		Common	Pacif	E
B	Brown Rockfish	<i>Sebastes auriculatus</i>		Common	Pacif	E
B	Aurora Rockfish	<i>Sebastes aurora</i>		Common	Pacif	E
B	Redbanded Rockfish	<i>Sebastes babcocki</i>		Common	Pacif	E
B	Silvergray Rockfish	<i>Sebastes brevispinis</i>		Rare	Pacif	V
B	Copper Rockfish	<i>Sebastes caurinus</i>		Common	Pacif	E
B	Black-and-Yellow Rockfish	<i>Sebastes chrysomelas</i>		Common	Pacif	V
B	Starry Rockfish	<i>Sebastes constellatus</i>		Common	Pacif	E
B	Darkblotched Rockfish	<i>Sebastes crameri</i>		Uncommon	Pacif	E
B	Splitnose Rockfish	<i>Sebastes diploproa</i>		Common	Pacif	E
B	Greenstriped Rockfish	<i>Sebastes elongatus</i>		Common	Pacif	E
B	Swordspine Rockfish	<i>Sebastes ensifer</i>		Uncommon	Pacif	V
B	Widow Rockfish	<i>Sebastes entomelas</i>		Common	Pacif	E
B	Pink Rockfish	<i>Sebastes eos</i>		Common	Pacif	E
B	Yellowtail rockfish	<i>Sebastes flavidus</i>				
B	Chilipepper	<i>Sebastes goodei</i>		Common	Pacif	E
B	Shortbelly Rockfish	<i>Sebastes jordani</i>		Common	Pacif	E
B	Cowcod	<i>Sebastes levis</i>		Common	Pacif	E

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	Fish					
GC	COMMON NAME	SCIENTIFIC NAME	FED STATU S	POPEST	LOCA	HI
B	Quillback Rockfish	<i>Sebastes maliger</i>		Uncommon	Pacif	E
B	Blackgill Rockfish	<i>Sebastes melanostomus</i>		Common	Pacif	E
B	Vermilion Rockfish	<i>Sebastes miniatus</i>		Common	Pacif	E
B	Blue Rockfish	<i>Sebastes mystinus</i>		Common	Pacif	E
B	Speckled Rockfish	<i>Sebastes ovalis</i>		Common	Pacif	E
B	Bocaccio	<i>Sebastes paucispinis</i>		Common	Pacif	E
B	Canary Rockfish	<i>Sebastes pinniger</i>		Common	Pacif	E
B	Redstripe Rockfish	<i>Sebastes proriger</i>		Uncommon	Pacif	E
B	Grass Rockfish	<i>Sebastes rastrelliger</i>		Common	Pacif	V
B	Rosy Rockfish	<i>Sebastes rosaceus</i>		Common	Pacif	V
B	Greenblotched Rockfish	<i>Sebastes rosenblatti</i>		Common	Pacif	E
B	Yelloweye Rockfish	<i>Sebastes ruberrimus</i>		Common	Pacif	E
B	Flag Rockfish	<i>Sebastes rubrivinctus</i>		Common	Pacif	E
B	Bank Rockfish	<i>Sebastes rufus</i>		Common	Pacif	E
B	Stripetail Rockfish	<i>Sebastes saxicola</i>		Common	Pacif	E
B	Halfbanded Rockfish	<i>Sebastes semicinctus</i>		Common	Pacif	E
B	Olive Rockfish	<i>Sebastes serranoides</i>		Common	Pacif	E
B	Treefish	<i>Sebastes serripes</i>		Common	Pacif	V
B	Pygmy Rockfish	<i>Sebastes wilsoni</i>		Rare	Pacif	E
B	Sharpchin Rockfish	<i>Sebastes zacentrus</i>		Uncommon	Pacif	E
B	Longspine Thornyhead	<i>Sebastolobus altivelis</i>		Uncommon	Pacif	E
B	Skillfish	<i>Erilepis zonifer</i>		Rare	Pacif	
B	Kelp Greenling	<i>Hexagrammos decagrammus</i>		Common	Pacif	E
B	Painted Greenling	<i>Oxylebius pictus</i>		Common	Pacif	E
B	Longspine Combfish	<i>Zaniolepis latipinnis</i>		Uncommon	Pacif	E
B	Rosylip Sculpin	<i>Ascelichthys rhodorus</i>		Uncommon	Pacif	V
B	Roughback Sculpin	<i>Chitonotus pugetensis</i>		Uncommon	Pacif	E
B	Buffalo Sculpin	<i>Enophrys bison</i>		Common	Pacif	V
B	Dusky Sculpin	<i>Icelinus burchami</i>		Rare	Pacif	V
B	Threadfin Sculpin	<i>Icelinus filamentosus</i>		Uncommon	Pacif	E
B	Frogmouth Sculpin	<i>Icelinus oculatus</i>		Rare	Pacif	V
B	Spotfin Sculpin	<i>Icelinus tenuis</i>		Uncommon	Pacif	V
B	Longfin Sculpin	<i>Jordania zonope</i>		Uncommon	Pacif	V
B	Staghorn Sculpin	<i>Leptocottus armatus</i>		Common	Pacif	V
B	Silverspotted Sculpin	<i>Belpsius cirrhosus</i>		Uncommon	Pacif	V
B	Sailfin Sculpin	<i>Nautichthys oculo fasciatus</i>		Uncommon	Pacif	V
B	Pygmy Poacher	<i>Odontopyxis trispinosa</i>		Common	Pacif	E
B	Pricklebreast Poacher	<i>Stellerina xyosterna</i>		Uncommon	Pacif	V
B	Blackedge Poacher	<i>Xeneretmus latifrons</i>		Uncommon	Pacif	E
B	Bluespotted Poacher	<i>Xeneretmus triacanthus</i>		Common	Pacif	V
B	Blacktail Snailfish	<i>Careproctus melanurus</i>		Uncommon	Pacif	E

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	Fish					
GC	COMMON NAME	SCIENTIFIC NAME	FED STATU S	POPEST	LOCA	HI
B	Tidepool Snailfish	<i>Liparis florum</i>		Common	Pacif	V
B	Slipskin Snailfish	<i>Liparis fuscensis</i>		Uncommon	Pacif	V
B	Southern Ringtail Snailfish	<i>Liparis adiastolus</i>		Uncommon	Pacif	V
B	Showy Snailfish	<i>Liparis pulchellus</i>		Uncommon	Pacif	V
B	Whalesucker	<i>Remora australis</i>		Rare	Pacif	
B	Veilfin	<i>Caristius macropus</i>		Rare	Pacif	
B	White Croaker	<i>Genyonemus lineatus</i>		Common	Pacif	E
B	Queenfish	<i>Seriophilus politus</i>		Common	Pacif	V
B	Opaleye	<i>Girella nigricans</i>		Common	Pacif	V
B	Shiner Perch	<i>Cymatogaster aggregata</i>		Common	Pacif	E
B	Walleye Surfperch	<i>Hyperprosopon argenteum</i>		Common	Pacif	V
B	Rainbow Seaperch	<i>Hypsurus caryi</i>		Common	Pacif	V
B	Rubberlip Seaperch	<i>Rhacochilus toxotes</i>		Common	Pacif	V
B	Pink Seaperch	<i>Zalembeus rosaceus</i>		Uncommon	Pacif	E
B	Northern Ronquil	<i>Ronquilus jordani</i>		Rare	Pacif	V
B	Soft Eelpout	<i>Bothrocara molle</i>		Uncommon	Pacif	
B	Flatcheek Eelpout	<i>Embryx crotalina</i>		Rare	Pacif	
B	Blackbelly Eelpout	<i>Lycodopsis pacifica</i>		Common	Pacif	E
B	Bearded Eelpout	<i>Lyconema barbatus</i>		Uncommon	Pacif	
B	Midwater Eelpout	<i>Melanostigma pammelas</i>		Uncommon	Pacif	E
B	Monkeyface Prickleback	<i>Cebidichthys violaceus</i>		Common	Pacif	V
B	Bluebarred Prickleback	<i>Plectrobranchius evides</i>		Uncommon	Pacif	V
B	Whitebarred Prickleback	<i>Poroclinus rothrocki</i>		Uncommon	Pacif	V
B	Penpoint Gunnel	<i>Apodichthys flavidus</i>		Common	Pacif	V
B	Wolf-Eel	<i>Anarrhichthys ocellatus</i>		Common	Pacif	E
B	Onespot Fringehead	<i>Neoclinus uniornatus</i>		Uncommon	Pacif	S
B	Blackeye Goby	<i>Coryphopterus nicholsii</i>		Common	Pacif	V
B	Pacific Barracuda	<i>Sphyrna argentea</i>		Common	Pacif	V
B	Escolar	<i>Lepidocybium flavobrunneum</i>		Rare	Pacif	
B	Skipjack Tuna	<i>Katsuwonus pelamis</i>		Common	Pacif	V
B	Pacific Bonito	<i>Sarda chiliensis</i>		Common	Pacif	V
B	Bigeye Tuna	<i>Thunnus obesus</i>		Rare	Pacif	
B	Swordfish	<i>Xiphias gladius</i>		Common	Pacif	
B	Medusafish	<i>Icichthys lockingtoni</i>		Common	Pacif	E
B	Smalleye Squaretail	<i>Tetragonurus cuvieri</i>		Rare	Pacif	
B	Pacific Sanddab	<i>Citharichthys sordidus</i>		Common	Pacif	E
B	Speckled Sanddab	<i>Citharichthys stigmaeus</i>		Common	Pacif	E
B	California Halibut	<i>Paralichthys californicus</i>		Common	Pacif	E
B	Arrowtooth Flounder	<i>Atheresthes stomias</i>		Uncommon	Pacif	E
B	Deepsea Sole	<i>Embassichthys bathybius</i>		Uncommon	Pacif	E
B	Petrale Sole	<i>Eopsetta jordani</i>		Common	Pacif	E
B	Rex Sole	<i>Glyptocephalus zachirus</i>		Common	Pacif	E

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	Fish					
GC	COMMON NAME	SCIENTIFIC NAME	FED STATU S	POPEST	LOCA	HI
B	Butter Sole	<i>Isopsetta isolepis</i>		Common	Pacif	E
B	Rock Sole	<i>Lepidopsetta bilineata</i>		Common	Pacif	E
B	Slender Sole	<i>Lyopsetta exilis</i>		Uncommon	Pacif	E
B	Dover Sole	<i>Microstomus pacificus</i>		Common	Pacif	E
B	Starry Flounder	<i>Platichthys stellatus</i>		Common	Pacif	E
B	C-O Sole	<i>Pleuronichthys coenosus</i>		Common	Pacif	V
B	Curlfin Sole	<i>Pleuronichthys decurrens</i>		Common	Pacif	E
B	Diamond Turbot	<i>Pleuronichthys guttulatus</i>		Common	Pacif	V
B	Hornyhead Turbot	<i>Pleuronichthys verticalis</i>		Common	Pacif	E
B	Greenland Halibut	<i>Reinhardtius hippoglossoides</i>		Uncommon	Pacif	V
B	California Tonguefish	<i>Symphurus atricauda</i>		Common	Pacif	V
B	Finescale Triggerfish	<i>Balistes polylepis</i>		Rare	Pacif	
B	Ocean Sunfish	<i>Mola mola</i>		Common	Pacif	E

	Reptiles					
GC	COMMON NAME	SCIENTIFIC NAME	FEDERAL STATUS	POPEST	LOCA	HI
?	Loggerhead Turtle	<i>Caretta caretta</i>	T	Uncommon	World	
?	Hawksbill Turtle	<i>Eretmochelys imbricata</i>	E	Rare	World	
B	Leatherback Turtle	<i>Dermochelys coriacea</i>	E	Rare	World	E

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Invertebrates	
CLASSIFICATION & COMMON NAME	SCIENTIFIC NAME
Monera	
Bacterial Mat	Beggiotoa Spp.
Cnidaria	
large white anemone	Metridium senile
anemone	Urticina piscivora
clear anemone	Caryophyllidae
dog toy	Anthomastus ritteri
sea hare	Lipomena
Mollusca	
octopus	Octopus dofleini
octopus	Octopus rubescens
Triton shell	Fusitriton orgonensis
Arthropoda	
Box crab	Lopholithodes foraminatus
shrimp/ prawn	Pandalus spp.
crab	Cancer sp.
Echinoderm	
starfish	Crossaster papposus
sun star	Rathbunaster californicus
sun star	Solaster sp.
starfish	Poraniopsis inflata
sun star	Pycnopodia spp.
starfish	Orthasterias spp.
sea urchin	Allocentrotus fragilis
sea cucumber	Parastichopus californicus
sea cucumber	Parastichopus johnsoni
common crinoid	Florometra serratissima
basketstar	Gorgonocephalus eucinemis
brittlestar	Ophiacantha sp.
red star	Mediaster aequalis
starfish	Henricia sp.
starfish	Pteraster militaris
sun star	Pycnopodia helianthoides
starfish	Pteraster tessellatus
starfish	Luidia foliata
bat star	Patiria miniata
sea cucumber	Parastichopus spp.
starfish	Psolus spp.
sea cucumber	Parastichopus leukothele
cookie cutter star	Ceramaster patagonicus
Mostly Ophiacantha sp.	Brittle star
brittlestar	Asteronyx sp.

